

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

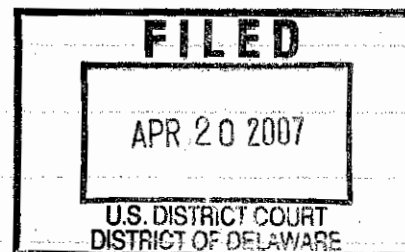
Jimmie Lewis

V.

CA NO. 06-778 (GMS)

THOMAS L. CARROLL, ET AL.

PETITION FOR WRIT OF MANDAMUS
FOR PRELIMINARY INJUNCTION IN
ACCORDANCE TO FED R. CIV P # 65



RD
scanned

DATE: 4/18/07

Jimmie Lewis
SB1# 506622
DEL. CORR. CENTER
1181 PADDOCK RD
SMYRNA, DEL 19977

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

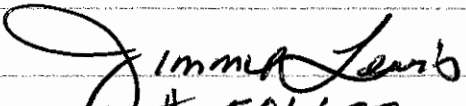
JIMMIE LEWIS

v.

CA. NO 06 - 778 (GMS)

THOMAS L. CARROL, DAVID K. HOLMAN,
MR AHMAD, OLUFEMI ADESEMOLU, D. PIERCE,
DR. CANNOLLI, DR. BOLANDA, DR. ROGERS,
DR. DURST, LT LARRY SAVAGE, C/O TELLIFFE,
LT RALPH HEVERIN, SGT GWENDOLYN EVERETTE,
SGT CAIN, C/O BUCKLE, MARY SNIDER,
CHARLES BENTON, C/O ~~PAVO~~ ROSALIE VARGAS,
ELIZABETH BURRIS, DEBRA SCOTT,

DATE: 4 / 1 / 07


506622
DEL. CORR. CENTER
1181 PADDOCK RD
SMYRNA, DEL 19977

COMES NOW, THE PETITIONER,
JIMMIE LEWIS, TO MOVE THIS HONORABLE
COURT FOR RELIEF FROM OPPRESSIVE
ACTION BY THE NAMED RESPONDENT,
ACTION THAT HAS DEPRIVED THIS
PETITIONER OF WELL ESTABLISHED
CONSTITUTIONAL RIGHTS.

JURISDICTION:

JURISDICTION IS VESTED IN THIS COURT
BY VIRTUE OF 28 U.S.C SECTION 1343;
1361; 1391(e); 1651; 1654 - 2201;
2241; 2243. 42 U.S.C SECTION 1983
AND 1985. RULE 8(a)(1), 3.

P. L. R. A, PRISON LITIGATION REFORM ACT,
42 U.S.C 1997(e).

ACCORDING TO D.O.C S.O.P 4.4,
INMATE GRIEVANCE PROCEDURE, DISCIPLINARY
ACTION AND OR CLASSIFICATION ACTION
IS NON - GRIEVABLE. (FORM # 584).

~~RE~~ MILLER V. NORRIS, 247 F.3d - 736, 740.
(8TH CIR 2001). A REMEDY THAT A PRISON OFFICIAL
PREVENTS A PRISONER FROM UTILIZING IS NOT AN

BRIEF DISCRIPTION OF FACTS

BETWEEN THE DATES OF 5/1/05 TO 4/1/05 ,
THE RESPONDENTS , NAMED IN CAPTION , DISPLAYED VARIOUS
FORMS OF RETALIATORY ACTIONS AGAINST ME IN ARBITRARY
AND CAPRICIOUS MANNERS UNDER THE COLOR OF STATE LAW ,
DUE TO THE PETITIONER SEEKING RESOLUTION FROM THE
CONDITION OF HIS CONFINEMENT VIA GRIEVANCE , AND
THEREAFTER FROM THE COURTS .

SEE CA.NO. 04-1350 (GMS) , CA.NO. 05-013 (GMS)
AND CA.NO. 06-778 (GMS) , WHICH ARE ALL INSTITUTIONS
OF THE STATE OF DELAWARE . THE AFOREMENTIONED CIVIL
COMPLAINTS DISCRIBE THE TIT MODUSOPERANDI OF THE
DEFENDANT IS TO TOTALLY DISREGARD MY WELL ESTABLISHED
CONSTITUTIONAL RIGHTS . I HEREBY PETITION TO THIS HONORABLE
COURT FOR IMMEDIATE RELIEF , BECAUSE UNDER THE CARE OF
MY CUSTODIANS I WILL MOST DEFINETLY SUFFER NUMEROUS
TYPES OF IRREPARABLE HARM . I AM BEING SUBJECTED TO
1ST , 8TH AND 14TH U.S.CA RIGHT VIOLATIONS HERE AT THE
D.C.C , I HAVE BEEN SUBJECTED TO 1ST , 8TH AND 14TH U.S.C A
RIGHT VIOLATION AT THE H.R.Y.C.I , AND IF IT IS DEEM THAT
MY BEING TRANSFERED TO ANOTHER INST IS IN ORDER , I ASSERT
THAT I WILL SURELY BE SUBJECT TO 1ST , 8TH AND 14TH U.S.CA
RIGHT VIOLATIONS AT THE ONLY ^{OTHER} IMPRISON IN DELAWARE , S.C.I ,
SUSSEX CORR. INST .

DISCLOSURE OF MY CLASSIFICATION ,
DISCIPLINARY , INCIDENT , GRIEVANCE , HOUSING , MEDICAL RECORDS ,
AND BLD 23'S LOG BOOK WILL FACTUALLY VERIFY THAT
MY CLAIMS ARE INDEED CORRECT .

STATEMENT

OF

CLAIMS

#, I

I, A) On or about the 6th of Sept 2006, while I, Jimmie Lewis was prescribed to be on psychological close observation level III status, at about 9:30 Am I was told by psychiatrist Dr. Cannolly that I was being discharged.

At or about 12:00 pm the inmate patients who had actually been discharged were being transferred to their assigned housing areas, but not me.

In response, I asked %o Jellife why I was on the transfer list, only to receive a belligerent response full of profanity for which resulted in a heated verbal confrontation. Soon thereafter, I covered the surveillance camera with tissue, so %o Jellife wrote me up for a disciplinary code violation, (8TH U.S.C.A RIGHT VIOLATION SEE ESTELLE V. GAMBLE, 97 S. CT 285, 50, L. Ed 2d 251.)

I, B) Thereafter Dr. Cannolly wrote a order that I be involuntarily injected with (2) separate cocktails of psychotropic drugs, even though there weren't any evidence of psychosis.

Officer Jellife and several other officers opened the flap in the door, and ordered me to being handcuffed, and I complied.

I was transferred from cell #191, to a cell 4 to 6 cells down the cell block. Upon entering said cell, officer Jellife and several officers tackled me to the floor, at which time officer Jellife abruptly and aggressively twisted my arm maliciously, shouted out numerous profanities while standing on my arm pit and back simultaneously while the other officers simply held me

(I.P.2)

down for nurse Mary Snider to inject me with the (2) different hyperdermic needles of psychotropic drugs. Before nurse-mary injected me with said hyperdermic needles of psychotropic drugs I informed her that I didn't need nor do I want her to inject me, and that she was injecting me against my will; my plea was ultimately ignored and I was injected against my will. No alternative such as (4) joint restraint was considered and/or utilized prior to the involuntary administration of the psychotropic drugs, see Washington v. Harper, 499 U.S. 210, 221-22 (1990).

I, C) the injuries I received were as such: swelling and bruising to my right arm's shoulder blade and swelling and bruising to my right wrist, swelling and bruising to the (2) different areas where the hyperdermic needles broke my skin and entered my flesh, causing said areas to bleed, persisting and re-occurring migraine headaches, bouts of amnesia, tremors, persisting ear ringing, audio and visual hallucinations, nurse and brain damage due to brain cells being killed by said psychotropic drugs.

8TH AND 14TH U.S.C. A RIGHT VIOLATIONS,
CIVIL ASSAULT AND BATTERY.

#, II

While I was prescribed to be in the infirmary at the D.C.C., on psychological close observation level I and or II, during the following dates: June 2005 for 1 week, July 2005 for 1 week, Nov 02, 2005 thru Nov 06, 2005, Nov 06, 2005 thru Nov 10, 2005, April 03, 2006 thru May 14, 2006, May 25, 2006 thru June 21, 2006, Aug 30, 2006 thru Sept 13, 2006, and Nov 1, 2006. The D.C.C. warden

Thomas J. Carol, Mental health supervisor Mr Ahmad, Mental health counselor for the D.C.C. infirmary Charles Benton, and Psychiatrist Dr Cannolly Denied me the following

privileges that the other inmate patients admitted into the D.C.C. infirmary were given:

1.) access to law library, 2) grievance procedure, 3.) legal counsel, 4.) daily access to hygiene products, 5.) Daily recreation, 6.) mental health therapy or counseling during 4 to 12 and 12 to 8 shifts like inmate patients whom had nurses available to them 24 hours a day, 6.) no suicide blanket, 7.) no suicide footwear, 8.) my mattress was take from me daily at 6:00 Am and returned at 10:00 Am while other patients were allowed to keep their assigned mattress.

I filed grievance, but to no avail.

said actions define violations of my 1ST, AND 8TH U.S.C.A RIGHTS

III

III, A)

On or about 8/22/2006 at the D.C.C., my left hand was x-rayed, for which revealed that my pinky finger was severely broken. The x-ray tech Mary Blades informed Dr. Durot, who reviewed my hand as well as the x-ray and confirmed that my pinky finger was indeed broken.

Dr. Durot then abruptly left the area without providing any medical treatment for the broken finger and or for pain, even though Dr. Durot was the physician assigned to the D.C.C. infirmary at that time.

Said injury persisted until 11/30/2006
See Estelle v. Gamble, 97 S.Ct 285, 50, L.Ed 2d 251.
8TH U.S.C.A RIGHT VIOLATION.

III, B) Shortly thereafter, on or about 8/22/06, at the D.C.C., Dr. Rogers was notified, but did not provide any medical treatment for the broken finger and or for pain.

Said grievance # 76249, attached as exhibit
Said injury persisted until 11/30/2006.
See Estelle v. Gamble, 97 S.Ct 285, 50, L.Ed 2d 251.
8TH U.S.C.A RIGHT VIOLATION.

III, C) During the dates of 8/26-29/2006 I repeatedly informed the mental health counselor to the SNHU (Special Needs Unit), Mr. Ferris, that I was experiencing psychological dilemmas that prevented me from getting sleep due to the pain from my broken pinky finger, but to no avail.

III, D)

III, P. 2

On 8/30/2006 I urgently informed Sgt Cain that I needed emergency medical treatment, but in response Sgt Cain instructed me to lock in my assigned cell, but my urgent emergency medical request was viewed by Sgt Cain as a violation of disciplinary code i.e., "to lock in". Failing to obey, even though I did lock into my assigned cell.

I wrote grievance, but to no avail.
See, Estelle v. Gamble, 97 S.Ct 285, 50, L.Ed2d 251.
8TH U.S.C.A RIGHT VIOLATION.

III, E) I was thereafter taken from my assigned cell BLD 23, D-U-2, to BLD 24, but while waiting I began experiencing extreme depression for which were followed by suicidal thoughts. LT welcome was informed who in turn informed staff LT Profaci, who in turn informed my mental health counselor Mr Femi. Upon Mr Femi's arrival, I explained my psychotic dilemmas, but Mr Femi ignored my medical needs, and I was thereafter taken to the disciplinary unit BLD 18, CL-4.

While I was on the disciplinary unit, depression and suicidal thoughts got to me, and I hung myself with a sheet. I woke up in the D.C.C infirmary prescribed to be on ~~regular~~ psychological close observation status level (1).

III, P.3

CONT # III, E)

I wrote grievance, but to no avail.
See, Estelle V. Gamble, '97 S.Ct 285, 50, L.Ed 2d 251.
See, Farmer V. Brennan, 511 US 825, 114 S.Ct 1970)
8TH U.S.C.A RIGHT VIOLATIONS.

III, F) During my admission in the D.C.C infirmary dating from 8/30/2006 thru 9/13/06 I alerted C/o Rosale Vargas, who was the "OIC" (Officer in charge), by knocking on the cell door that I both ~~needed~~ needed to speak with the nurse and that I needed toilet tissue, but C/o R. Vargas approached my assigned cell and informed me that the only ~~thing~~ thing I would be receiving was a major write up. C/o R. Vargas and I began a heated argument, that resulted in my being deemed unstable enough to be discharged from level I to level II and or discharged from the infirmary altogether.

I wrote grievance, but to no avail.
See Estelle V. Gamble, 97 S.Ct 285, 50, L.Ed 2d 251.
8TH U.S.C.A RIGHT VIOLATION.

III, P. 4.

III, (G)

During the course of my admissions in the D.C.C infirmary, dating from 8/30/2006 thru 9/13/2006, D.C.C warden Thomas L. Carroll, Psychiatrist Dr. Bolanda, Mental Health Supervisor Mr. Ahmad, Security Supervisor Major Holman conducted a classification meeting that determined that I was to be sent back to the disciplinary housing unit BLD 18. The place that was in part responsible for my attempted suicide, even though they knew said place didn't address my mental health needs ~~was~~ like the SNU could, due in part to the constant confinement and lack of mental health counseling in BLD 18, and on or about 9/13/2006 I was transferred to the disciplinary housing unit never the less, and not back to BLD 23 The mental health unit. I was forced to stay in BLD 18 C-U-2, experiencing extreme depression and suicidal thoughts until Oct 4, 06.

On Oct 4, 2006 I was transferred to BLD 17, C-U-1 disciplinary housing unit where the extreme depression and suicidal thought continued, and were exacerbated by the constant noise of pipes banging on the walls, 24 hours a day for 7 days a week until 11/01/2006.

I was sent to BLD 18 AND BLD 17 on Oct 4, 06 as retaliation to the complaint I filed against defendant Rachel Williams, et al 05-013 (GMS), for which includes the D.C.C warden Thomas L. Carroll as a defendant

#III, P.5

cont #III, C)

I wrote grievance, but to no avail.

See, Estelle V. Gamble, 97 S.Ct 285, 50, L.Ed 2d 251
 See, Farmer V. Brennan, 511 U.S. 825, 114 S.Ct 1970.)
 8th U.S.C.A RIGHT VIOLATION.

III, 4.) On 11/01/2006 at or about 2:30 AM

I was transferred to the infirmary from
 BLD 17, C-U-1, and prescribed to be on psychological
 close observation level II, until about 2:30 pm
 at which time I was transferred back to -
 BLD 23, D-U-2 SNU UNIT, (SPECIAL NEEDS UNIT),
 but subsequently, my personal property remained
 in building 17, C-U-1 until 11/06/2006 when
 C/o Buckle packed the personal property
 I received on 9/21/2006 (see attached property
 receipts as exhibit), but C/o Buckley did not
 pack and inventory my General Electric radio
 cereal number 313794 valued at \$48.00.

Radio was taken from me and/or
 not packed and/or inventoried and returned to me
 as an act of retaliation regarding my filing
 civil complaint against Rachel Williams, et al 05-013 GMS
 (GMS), for which included numerous D.O.C officers.

Note, C/o Buckle questioned me about the number
 of officers on the complaint stating I quote.

Leave you should just drop the suit, because
 this is there house, and something may mysteriously
 happen to you. unquote. Note, I viewed C/o Buckle's
 comment as a threat.

I wrote grievance, but to no avail
 1st U.S.C.A RIGHT VIOLATION.

III, P.6

III, I)

After being transferred back to the SNU (SPECIAL NEEDS UNIT), BLD 23 D-U-2, & subsequently received sanctions from Disciplinary Hearings conducted by Disciplinary Hearing officers LT Larry Savage and LT Ralph Heverin, Disciplinary report numbers 1027195, 1027222, 1027146 for disciplinary code violation write up wrote by Sgt Cairn on 8/30/2006 and C/O - Rosalie Vargas between 8/30/2006 and 9/13/2006. ~~Disciplinary~~ Disciplinary reports 1027195, 1027222, and 1027146 were never served to the plaintiff, 1.) the plaintiff never received written notice of said disciplinary code violations, 2.) the plaintiff never received notice of fact finding, 3.) the plaintiff was never allowed to present evidence in his own behalf, 4.) The plaintiff was never allowed to appeal, 5.) said disciplinary hearing was conducted more than 61 days after the disciplinary violation. I wrote grievance but to no avail. See, Avant v. Clifford, 67 NJ 496, 341 A.2d 629. 14TH U.S. CA RIGHT VIOLATION

III, J) said sanctions of 5 days, 5 days, and 30 days confined to quarters BLD 23 D-U-2 dating from 11/20/2006 thru 12/19/2006 interfered with the mental health treatment that is provided for SNU inmates.

Cont III, J)

- 1.) I wasn't allowed to order commissary like other SNU inmates,
 - 2.) I wasn't allowed to participate in activity workshop on Mondays,
 - 3.) Music Therapy on Mondays,
 - 4.) Overcoming thinking errors on Mondays,
 - 5.) Activity workshop on Tuesday,
 - 6.) Psychopharmacology on Tuesday,
 - 7.) mutilation support group on Tuesday,
 - 8.) Bibliotherapy on Wednesday,
 - 9.) Arts and Crafts on Wednesday,
 - 10.) Depression support group on Thursday,
 - 11.) Activity workshop on Thursday,
 - 12.) Open activities on Friday,
 - 13.) Mourning group meetings Monday thru Friday,
- See SNU activity and group therapy schedule, attached as exhibit

of wrote grievance, but to no avail.

8TH ~~U.S. CIRCUIT COURT OF APPEALS~~ U.S.C.A. RIGHTS VIOLATIONS.
See, Estelle v. Gamble, 975 CT 285, 50, L.Ed 2d 251

IV

At the D.C.C dating from 4-7-05 to date, the D.C.C warden Thomas L. Carroll and the D.C.C Deputy Warden S. Pierce have allowed funds to be withdrawn from my inmate account for legal postal fees, to the sum of more than \$1000.00 even though the D.C.C inmate handbook states on page 11, that the state will pay legal postal fees, (see attached inmate handbook page 11), . . . when ever I receive a money order, the entire sum of the money order is taken, for which leaves me indigent, without funds to purchase hygiene products such as fluoride toothpaste, toothbrush, shampoo, deodorant, soap, lotion, after shave, or commissary products like other inmates.

I am unable to for months practicing hygiene, for which alienates, segregates and has degraded me as a human being.

No deodorant causes me to present as musky, perceived to not be clean, no lotion causes me to present as itchy and ashy, perceived to not be clean, no fluoride toothpaste causes me to present with halitosis, perceived to not be clean, no commissary causes me to go hungry after daily exercise, for which caused me to loose weight to the sum of 25 lbs due to the insufficient portions served at meal time.

#TV P.2

cont #TV

attached Grievance #'s, 19547 and 80265

I filed grievance, but to no avail.

ATTN ~~ADMINISTRATIVE~~ U.S. CA RIGHT VIOLATIONS

I have been allowed to obtain indigent mailing supplies to the sum of \$3.74 a month, but I am prohibited from purchasing hygiene products and/or commissary products like other inmates even though I am required to reimburse said funds, and family members and/or friends are not allowed to send me food or hygiene products.

V

At the D.C.C. since 4-7-2005 to date, the D.C.C. warden Thomas L. Carroll has only permitted me to obtain legal supplies to the sum of \$3.74 a month.

i.e., (4) first class stamps, (4) 12x9 manila envelopes, (16) 10 envelopes, (4) small envelopes, (1) writing pad, (1) pen, for which is due to my indigent status.

Said indigent legal supplies are allowed to be obtained, but 12x15.5 manila envelope that other inmate are allowed to purchase have been denied because of my indigent status, even though ~~from~~ said funds are withdrawn from my inmate ~~with~~ account once someone sends me a money order.

Being denied 12x15.5 manila envelopes have prejudiced me, due to my postconviction appeal which is too voluminous to fit into a 12x9 manila delayed my being able to send out said postconviction appeal before the 9/29/2006 deadline.
see attached exhibit.

I wrote grievance, but to no avail
said actions have violated my 6TH AND 1ST, ~~unlawful~~ U.S.C.A. RIGHTS.

VI

Since 4-7-05 I have filed numerous sick calls for the D.C.C. Physician Dr Rogers to provide me with "medical" treatment for toe nail fungus, only to be told by Dr Rogers that there was nothing that she could prescribe me, because it was cosmetic.

On 10/17/2006 I filed grievance, grievance number 76246 for fungus that has spread to a total of seven of my toes (3) more than I initially was seeking treatment for. My toe nails are literally rotten, the hurt, bleed, present with a foul odor and actually crumble when I clip them. Dr Rogers was made aware of these conditions, but still refused to provide me with "medical treatment".

I filed grievance, but to no avail the grievance procedure is futile.
 See, Estelle v. Gorbett, 97 S.Ct. 285, 50, 12d 251
 8TH ~~AMENDMENT~~ U.S. CA RIGHT VIOLATIONS.

VII

At the D.C.C. BUD 19, A4-6 on 11/01/05 at about 1:30 PM I Jimmie Lewis asked Sgt M. Everette to call the support service office to check my account in order to determine exactly why the commissary officer didn't process my commissary order when (2) days prior I had received a money order for ~~the~~ \$50. Sgt M. Everette agreed to call the support service office, to check into what appeared to be an error on the behalf of the commissary officer, due to my presenting a photocopy of my inmate account statement printed out and delivered to me just (3) days prior on Oct 27, 2005 along with a money order receipt I had just received just (2) days prior on Oct 28, 2005, but Sgt M. Everette didn't do as she had informed me on 11/01/2005 due to her leaving the building at about 3:30 PM and not returning until 11/02/2005.

On 11/02/05 at about 10:00 AM, I asked Sgt M. Everette if she had done as she said she would, for which her response was no!! you have to write the support service office. It was then that I requested for Sgt M. Everette to give me my inmate account printout and my money order receipt, but Sgt M. Everette ignored my request and walked away, off of the unit.

VII P.2

Cont # VII

At about 11:20 AM Sgt M. Everette and CPL L. Ross began serving lunch (hot dogs and beans), at which time I presented Sgt M. Everette with a request to speak with the area LT, LT Simon; Sgt Everette responded no! and proceeded to serve lunch. At about 11:35 Sgt Everette and CPL L. Ross returned to pick up food trays, Sgt M. Everette requested for me to give her my food tray, I responded with a request to speak with LT Simon. In response, Sgt M. Everette stated fuck it, keep the tray. Sgt M. Everette left the unit, only to return (5) minute later.

Upon Sgt M. Everette's arriving at my assigned cell BID 19, A-U-6, Sgt M. Everette opened the flap and called me. When I arrived to the flap, Sgt M. Everette gestured for me to come closer, I thought Sgt M. Everette was returning my pintout of my account statement and my money order receipt, but to my surprise Sgt M. Everette began spraying capsaicin into my face without warning or reason.

Sgt M. Everette kept spraying capsaicin into my assigned cell for a duration of at least 60 seconds, until her capsaicin can was empty.

VII, P.3

Cont # VII

For at least 10 minutes, I was trapped in my assigned cell blinded, eyes burning, skin burning and unable to grasp oxygen.

10 minutes later Sgt B Everette returned to my assigned cell with LT Simon, CPL Manns, and CPL L. Ross. I was removed from my assigned cell without incident, and taken to (A) unit's interview room.

Injuries were as follows, 1.) burning eyes for 48 hours, 2.) burning skin for 48 hours, 3.) sore throat and coughing that lasted for (7) days. 4.) said injuries caused me to become depressed and suicidal causing me to be prescribed to psychological close observation level II for 4 days 11/02/05 thru 11/06/05.

See disciplinary report # 1021432 I filed grievance, but to no avail. grievance # 20618 but said grievance was dismissed due to it involving alleged disciplinary actions.

8TH U.S.C.A RIGHT VIOLATION, AS WELL AS CIVIL ASSAULT AND BATTERY.

VIII

Under color of state law, at the D.C.C. on 8/22/2006, disciplinary hearing officer LT Ralph Hevesin conducted a disciplinary hearing and found me guilty for the disciplinary code violation 'to R. Vargas wrote (DR# 1026789)', and caused me to serve a (5) day confined to quarters sanction 1.) without providing me with a written notice of the alleged disciplinary write up. 2.) without allowing me to present evidence in my own behalf, 3.) without providing me with written notice of fact finding, 4.) without allowing me to appeal 5.) said disciplinary hearing was conducted more than (7) days after the alleged code violation was said to have occurred.

I wrote grievance, but to no avail.
 See, *Avant v. Clifford*, 67 NT 496, 341 A.2d 629
 14 TH U.S. CA RIGHT VIOLATIONS

Note, said disciplinary write up, are said to have occurred in the infirmary while I was on psych close observation level I and or II, for which prohibits the possession of pen or paper on said status, per D.C.C. policy and or doctors orders, i.e. infirmary.

#IX

Under color of state law at the D.C.C
 on 5/08/2006 at or about 00:01 AM
 C/o Rosalie Vargas wrote a disciplinary code
 violation against me DR# 1024850, while I was
 prescribed to be on psychological close observation
 level II status, (due to being deemed psychotic),
 without first consulting with the psychiatrist whom
 prescribed me to be on psych close observation
 status, in order to determine my mental health
 status, and or to determine before hand if said
 disciplinary sanction would be appropriate and or
 interfere with my mental health treatment while
 housed in the infirmary and or my over all
 rehabilitative therapy. Note, due to C/o R. Vargas
 continuously arguing with me, my psychotic
 condition was exaggerated, for which caused
 my mental health condition to be deemed
 unstable and prolonged my admissions in the infirmary

I wrote grievance but to no avail.
 See, Estelle v. Gamble, 975 CT 285, 50, L.Ed 2d 251.
 8TH U.S.CA RIGHT VIOLATION.

~~X~~

under color of state law, at the D.C.C on 3/16/2006 disciplinary hearing officer LT. Ralph Hevesin conducted a disciplinary hearing and found me guilty for the disciplinary infraction #10 Rosalie Vargas wrote, (OR# 1024850), and caused me to serve (5) day confined to quarters sanction without 1.) allowing me to present evidence in my own behalf, 2.) without providing me with written notice of fact finding, 3.) without allowing me to appeal. 4.) said disciplinary hearing was conducted more than (7) days after the alleged disciplinary violation is said to have occurred.

I filed grievance, but to no avail.
See, Abant V. Clifford, 67 NJ 496, 341 A.2d 629

14TH U.S. CA RIGHT VIOLATIONS.

XI

under color of state law, at the P.C.C on 5/07/2006 at or about 00:15 AM G/O Rosalie Vargas wrote a disciplinary code violation against me, (DR # 1024832), while I was prescribed to be on psychological close observation level II status, (due to being deemed psychotic), without first consulting with the psychiatrist whom prescribed me to be on psych close observation status, in order to determine my mental health status, and or to determine before hand if said disciplinary sanction would be appropriate and or interfere with my mental health treatment while housed in the infirmary and or my over all rehabilitative therapy. Note, due to G/O R. Vargas continuously arguing with me, my psychotic condition was exaggerated, for which caused my mental health condition to be deemed unstable and prolonged my admission in the infirmary.

I wrote grievance, but to no avail
 see, Estelle v. Gamble, 975 CT 285, 50 L.Ed2d 251
 8TH U.S.C.A RIGHT VIOLATION.

~~XII~~

under color of state law, at the D.C.C. on 6/20/2006 disciplinary hearing officer LT Ralph Hevesin conducted a disciplinary hearing and found me guilty for the disciplinary ~~violation~~ infraction % R. Vargas wrote, (SR # 1024832), and caused me to serve a (5) day confined to quarters sanction without 1.) allowing me to present evidence in my own behalf, 2.) without providing me with written notice of fact finding 3.) without allowing me to appeal 4.) said disciplinary hearing was conducted more than (7) days after the alleged disciplinary violation is said to have occurred.

I filed grievance but to no avail
See, *Avant V. Clifford*, 67 AF 496, 341 A.2d 629

14 TH U.S. CA RIGHT VIOLATIONS

XIII

Under color of state law, at the D.C.C. on 5/02/2006 at or about 07:36 AM Yo Rosake Vargas wrote a disciplinary code violation against me, (DR # 1024743), while I was prescribed to be on psychological close observation level II status, (due to being deemed psychotic), without first consulting with the psychiatrist whom prescribed me to be on psych close observation status, in order to determine my mental health status, and or to determine ~~my~~ before hand if said disciplinary sanction would be appropriate and or interfere with my mental health treatment while housed in the infirmary and or my over all rehabilitative therapy. Note, due to Yo R. Vargas continuously arguing with me my psychotic condition was exaggerated, for which caused my mental health condition to be deemed unstable and prolonged my admission in the infirmary.

I wrote grievance, but to no avail
 See, Estelle V. Gamble, 91 S.Ct 285, 50, L.Ed 2d 251
 8TH U.S.C. A RIGHT VIOLATION.

XIV

Under color of state law, at the D.C.C on 5/16/2006 disciplinary hearing officer LT Ralph Heresin conducted a disciplinary hearing and found me guilty for the disciplinary code violation 90 R. Vargas wrote, - (DR # 1024743), and caused me to serve a (5) day confined to quarters sanction without 1.) allowing me to present evidence in my own behalf, 2.) without providing me with written notice of fact finding, 3.) without allowing me to appeal 4.) Said disciplinary hearing was conducted more than (7) days after the alleged disciplinary violation is said to have occurred.

I filed grievance, but to no avail.
See, Avant V. Clifford, 62 NT 496, 341 A.2d 629

14TH U.S. CA RIGHT VIOLATIONS

~~XV~~

Under color of state law, at the D.C.C on 5/02/2006 at or about 07:00 AM % Rosalie Vargas wrote me a disciplinary code violation against me, (DR # 1024742), while I was prescribed to be on psychological close observation level II status, (due to being deemed psychotic), without first consulting with the psychiatrist whom prescribed me to be on psych close observation status, in order to determine my mental health status, and or to determine before hand if said disciplinary sanction would be appropriate and or interfere with my mental health treatment while housed in the infirmary and or my ones all rehabilitative therapy. Note, due to % R. Vargas continuously arguing with me my psychotic condition was exaggerated, for which caused my mental health condition to be deemed unstable and prolonged my admission in the infirmary.

I wrote grievance, but to no avail.
 See, Estelle v. Gamble, 97 S.Ct 285, 50, L.Ed 2d 251
 8TH U.S.C.A RIGHT VIOLATION

XVI

under color of state law, at the D.C.C on 5/16/2006 disciplinary hearing officer Lt Ralph Haverin conducted a disciplinary hearing and found me guilty for the disciplinary code violation c/o R. Vargas wrote, (DR # 1024742), and caused me to serve a (5) day confined to quarters sanction without 1.) allowing me to present evidence in my own behalf, 2.) without providing me with written notice of fact finding, 3.) without allowing me to appeal 4.) said disciplinary hearing was conducted more than (7) days after the alleged disciplinary violation is said to have occurred.

I filed grievance but to no avail.
See; Avant v. Clifford, 67 NT 496, 341 A.2d 629
14TH U.S.C.A. RIGHT VIOLATIONS.

#XVII

Under color of state law, at the D.C.C. on 5/16/2006 disciplinary hearing officer LT Ralph Heverin conducted a disciplinary hearing and found me guilty for the disciplinary code violation c/o R. Vargas wrote (DR.#1024784), and caused me to serve a (5) day confined to quarters sanction 1.) without providing me with a written notice of the alleged disciplinary write up. 2.) without allowing me to present evidence in my own behalf, 3.) without providing with a written notice of the fact finding, 4.) without allowing me to appeal, 5.) said disciplinary hearing was conducted more than (7) days after the alleged code violation was said to have occurred.

I filed grievance, but to no avail.
See, Avant v. Clifford, 67 NT 496, 341, A.2d 629
14TH U.S.C.A. RIGHT VIOLATION.

Note, said disciplinary write up is said to have occurred while I was prescribed to be on psych close observation level I and on II, in the infirmary for which prohibits the possession of pen or paper on said status, per D.O.C. policy and on doctors orders.

XVIII

Under color of state law, at the D.C.C. on 5/16/2006 disciplinary hearing officer LT Ralph Heverin conducted a disciplinary hearing and found me guilty for the disciplinary code violation c/o R. Vargas wrote, (DR# 1024743), and caused me to serve a (5) day confined to quarters sanction 1.) without providing me with a written notice of the alleged disciplinary write up, 2.) without allowing me to present evidence in my own behalf, 3.) without providing me with a written notice of the fact finding, 4.) without allowing me to appeal, 5.) said disciplinary hearing was conducted more than (7) days after the alleged code violation was said to have occurred.

I filed grievance, but to no avail
see Avant v. Clifford, 67 MS 496, 341, A.2d 629
14TH U.S.C.A. RIGHT VIOLATION.

Note, said disciplinary write up is said to have occurred while I was prescribed to be on psych close observation level I and or II, in the infirmary, for which prohibits the possession of pen or paper on said status, per D.C.C. policy and or doctors orders.

XIX

under color of state law, at the D.C.C. on 5/16/2006 disciplinary hearing officer LT Ralph Heverin conducted a disciplinary hearing and found me guilty for the disciplinary code violation 40 R. Vargas wrote, (DR # 1024850), and caused me to serve a (5) day confined to quarters sanction 1.) without providing me with a written notice of the alleged disciplinary write up. 2.) without allowing me to present evidence in my own behalf, 3.) without providing me with a written notice of the fact finding 4.) without allowing me to appeal, 5.) said disciplinary hearing was conducted more than (7) days after the alleged code violation was said to have occurred.

fee, I filed grievance, but to no avail.
 Arant V. Clifford, 67 NY 496, 341 A.2d 629
 14 NY 2d 414 U.S. CA RIGHT VIOLATION.

Note, said disciplinary write up is said to have occurred while I was prescribed to be on psych close observation level I and on II in the infirmary, for which prohibits the possession of pen or paper on said status, per D.O.C. policy and or doctors orders, i.e. infirmary.

~~XX~~

under color of state law, at the D.C.C. on 5/16/2006 disciplinary hearing officer LT Ralph Henerin conducted a disciplinary hearing and found me guilty for the disciplinary code violation % R. Vargas wrote (CR# 1024836), and caused me to serve a (5) day confined to quarters sanction 1.) without providing me with a written notice of the alleged disciplinary write up 2.) without allowing me to present evidence in my own behalf, 3.) without providing me with a written notice of fact finding 4.) without allowing me to appeal, 5.) said disciplinary hearing was conducted more (7) days after the alleged code violation was said to have occurred.

I filed grievance, but to no avail
 See, Grant v. Clifford, 67 NT 496, 341 A.2d 629
 14 14TH U.S. CA RIGHT VIOLATION

Note, said disciplinary write up is said to have occurred while I was prescribed to be on psych close observation level I and or II, for which prohibits the possession of pen or paper on said status, per D.O.C policy and or doctors orders, i.e infirmary

~~XXI~~

Under color of state law, at the D.C.C. on 6/20/2006 disciplinary hearing officer Lt. Ralph Haverin conducted a disciplinary hearing and found me guilty for the disciplinary code violation %o R. Vargas wrote (DR# 1024762), and caused me to serve a (5) day loss of all privileges sanction 1.) without providing me with a written notice of the alleged disciplinary write up, 2.) without allowing me to present evidence in my own behalf, 3.) without providing me with a written notice of fact finding, 4.) without allowing me to appeal 5.) Said disciplinary hearing was conducted more than (7) days after the alleged code violation was said to have occurred.

I wrote grievance but to no avail.
 See, Avant v. Clifford, 67 AF 496, 341 A.2d 629
 14 44 U.S.C.A. RIGHT VIOLATIONS.

Note, said disciplinary write up is said to have occurred while I was prescribed to be on Baych close observation level I and or II, for which prohibits the possession of pen or paper on said status, per D.O.C. policy and or doctors orders, i.e., infirmary

XXII

under color of state law, at the D.C.C. on 9/07/2006 disciplinary hearing officer LT. Larry Savage conducted a disciplinary hearing and found me guilty for the disciplinary code violation c/o R. Vargas wrote (PR# 1027063), and caused me to serve a 5 day loss of all privileges sanction 1.) without providing me with a written notice of the alleged disciplinary write up, 2.) without allowing me to present evidence in my own behalf, 3.) without providing me with a written notice of fact finding. 4.) without allowing me to appeal. 5.) said disciplinary hearing was conducted more than (7) days after the alleged code violation was said to have occurred.

I wrote grievance, but to no avail
 See, Arant V. Clifford, 67 NT, 496, 341 A.2d 629
 14TH USCA RIGHT VIOLATIONS

Note, said disciplinary write up is said to have occurred while I was prescribed to be on psych close observation level I and on II, for which prohibits the possession of pen or paper on said status, per D.O.C. policy and or doctors orders, i.e. infirmary

XXIII

under color of state law, at the D.C.C on 9/07/2006 disciplinary hearing officer Lt. Larry Savage conducted a disciplinary hearing and found me guilty for the disciplinary code violation c/o R. Vargas wrote, (BR# 1027067), and caused me to serve a 15 day confined to quarters sanction 1.) without providing me with a written notice of the alleged disciplinary write up. 2.) without allowing me to present evidence in my own behalf., 3.) without providing me with a written notice of fact finding. 4.) without allowing me to appeal. 5.) said disciplinary hearing was conducted more than (7) days after the alleged code violation was said to have occurred.

I wrote grievance, but to no avail.
See, *Avant v. Clifford*, 67 NT 496, 341, A.2d 629
14TH U.S.C. A RIGHT VIOLATIONS.

Note, said disciplinary write up is said to have occurred while I was prescribed to be on psych close observation level I and or II, for which prohibits the possession of pen or paper on said status, per D.O.C policy and or doctors orders, i.e infumary

XXIV P(A)

A.1) AUG 28, 06 AT THE D.C.C, I TIMMIE LEWIS WAS TRANSFERED FROM MHU BUILDING 23 DU2, S.N.U; SPECIAL NEEDS UNIT AT OR ABOUT 3:00 PM TO DISCIPLINARY SEGREGATION FOR A DISCIPLINARY CODE VIOLATION, WHEN I SHOULD HAVE BEEN TRANSFERED TO THE D.C.C INFIRMARY AND PRESCRIBED TO BE ON PSYCHIATRIC CLOSE WATCH, DUE TO THE CLINICIAN FOR THE S.N.U OLUFEMI ADESEMOLI BEING FULLY INFORMED BY MYSELF, LT WELCOME AND STAFF LT PROFACI THAT I WAS EXPERIENCING SUICIDAL IDEATIONS. THERE AFTER AT OR ABOUT 10:30 PM, I WAS TRANSFERED TO THE D.C.C INFIRMARY AND PRESCRIBED TO BE ON PSYCHIATRIC CLOSE WATCH LEVEL (1) DUE TO WHAT WAS DEEMED MY ATTEMPTING SUICIDE. 14TH 8TH U.S.CA VIOLATION.

A.2) BEING FULLY AWARE OF THE FACT THAT THE ISOLATED CONFINEMENT IN A CELL WITH ONLY A MATTRESS ON THE FLOOR AND MY ONLY BEINGS PROVIDE WITH MY BOXER SHORTS AND MY T-SHIRT GAVE IN PARTIALITY REASON FOR MY ATTEMPTED SUICIDE ATTEMPT, ON OR ABOUT 9/14/06 THOMAS L. CARROL, ELIZABETH BURRIS, D. PIERCE DR BOLANDA AND CLINICIAN OLUFEMI ADESEMOLI ALL ALLOWED ME TO BE TRANSFERED BACK TO DISCIPLINARY SEGREGATION ISOLATION S.H.U BUILDING 18

8TH + 14TH U.S.CA RIGHT VIOLATION
SEE ALSO, CA NO. 06 - 778 (GMS)

~~XXIV~~ P. B)

B.1) ON OR ABOUT 10/4/06, I WAS TRANSFERRED TO DISCIPLINARY SEGREGATION BLD 17, CU 1.

B.2.) ON OR ABOUT 10/10/06, I RECEIVED ABOUT 50 U.S.M 285 PROCESS RECEIPT FROM THE DEPT OF JUSTICE INFORMING ME THAT SAID AMOUNT OF D.D.O.C ADMINISTRATORS AND EMPLOYEES HAD BEEN SERVED WITH THE CIVIL COMPLAINTS (CA NO. 05-0136MS), FOR ~~WHICH~~ WHICH GIVES ~~REASON~~ REASON FOR MY BEING TRANSFERRED TO DISCIPLINARY SEGREGATION ~~ON 10/4/06~~ AND NOT BACK TO MHU 23, D. UNIT S.N.U, ON 10/4/06, BECAUSE MANY OF THE DELAWARE ADMINISTRATORS AND D.D.O.C EMPLOYEES WERE SERVED WITH CIVIL COMPLAINTS ON THE EXACT SAME DATE 10/4/06 BETWEEN THE HOURS OF ~~ENTIRE~~ 8:00 AM TO 4:00 PM, HOURS BEFORE I WAS TRANSFERRED TO DISCIPLINARY SEGREGATION DURING THE 4:00 PM TO 12:00 AM SHIFT. THIS WAS DONE BY THOMAS L. CARROL.

1 ST U.S.C-A RIGHT VIOLATION.

~~XXVI~~ P. C)

C.1) ON NOV 1, 06 AT OR ABOUT 3:00 A.M I BECAME PSYCHOTIC, AND WAS THEREAFTER TRANSFERED TO THE D.C.C. INFIRMARY AND PRESCRIBED TO BE ON PSYCHIATRIC CLOSE OBSERVATION, DUE TO NOT RECEIVING PROPER MENTAL HEALTH TREATMENT. IT WAS THEREAFTER DEEMED THAT I WAS TO BE TRANSFERED BACK TO MHU BUILDING 23, S.N.U, SPECIAL NEEDS UNIT. ON NOV 1, 06 AT OR ABOUT 2:30 PM I WAS TRANSFERED BACK TO MHU 23, S.N.U, ~~IN~~ D UNIT D U 2.

C.2) ON NOV 8, 06 I FILED GRIEVANCE FOR LAW LIBRARY CLERK BRIAN ENGRAM DENYING ME LAW LIBRARY ACCESS, (BRIAN ENGRAM WAS SUBSTITUTING FOR MARIA LYONNS), AND IN RESPONSE THE LAW LIBRARY SUPERVISOR MIKE LITTLE IMMEDIATELY POSTED A MEMO STOPPING ALL INMATE PRISONERS FROM PERSONALLY GOING TO THE LAW LIBRARY IN BUILDING 24 TO DO LEGAL RESEARCH, FOR WHICH HAS NEVER BEEN DONE DURING THE 6 OR 7 YEARS SINCE IT OPENED. I ASSERT THAT THIS WAS DONE SPECIFICLY TO LIMIT MY ABILITY TO SHEPPARDIZE CASE LAW, DUE TO SCOPE AND MAGNITUDE AGAINST SEVERAL INSTITUTIONS OF THE STATE OF DELAWARE, CA NO. 04-1350 (GMS), CA NO 06-778 (BMS) CA NO. 05-013 (GMS) ~~AND~~, AT THIS POINT THE CLAIMS STATED HEREIN IS JUST CIRCUMSTANCIAL EVIDENCE, DUE TO MY BEING ABLE TO OBTAIN LEGAL MATERIAL VIA WRITTEN REQUEST THROUGH THE MAIL.

XXVII P. D)

D.1.) AT THE D.C.C DATING FROM 11/1/06 TO 4/1/06, THE FOLLOWING CORRECTIONAL OFFICERS WHO HAVE WORKED MHU 23, S.N.U, D UNIT, ARE D.O.C STAFF MEMBERS WHO I CLAIM ARE RESPONSIBLE FOR AUTHORIZING FABRICATED CLAIMS AGAINST ME : %O DAMBY, %O E. BARNHART, %O D. SCOTT, %O GLICK, %O SWING, %O L. LAMDEN, %O WATSON, %O SKINNER, %O GILES, %O TURNER, %O N. BORDLEY, %O CONRAD, %O A. EVANS, %O VILAREAL, %O JOHNSON. THIS IS SO, BECAUSE I WAS TOLD BY %O R. WHITE DURING TOLD CONVERSATION 3/23/07, THAT WAS STRUCTURED AROUND MY STATING TO %O R. WHITE, I QUOTE, "ARE YOU A PART OF THE CONSPIRACY ALSO" UNQUOTE. IN RESPONSE %O R. WHITE STATED, I QUOTE. "INCIDENT AND DISCIPLINARY REPORTS ARE BEING DOCUMENTED ABOUT ~~THE~~ ^{YOU} REGARDING YOUR "PAST" BEHAVIOR." UNQUOTE. I INTERPRET THIS TO MEAN THE CIVIL COMPLAINTS I FILED IN THE "PAST" AGAINST PERSONS EMPLOYED BY AND OR AT INSTITUTIONS OF THE STATE OF DELAWARE, CA NO, 04-1350 (GMS), CA NO 05-013 (GMS) AND 06-778 (GMS). THIS IN CONJUNCTION WITH WHAT D.A GREGORY E. SMITH STATED ON DEC 18, 06 REGARDING MATTERS OF ALLEGED ASSAULTS, AND ALLEGED SEXUAL INAPPROPRIATE MATTERS AT THE H.R.V.C.I AND AT THE D.P.C, ALONG WITH HIS STATING HE COULD REQUEST FOR MY GOOD TIME CREDITS TO BE TAKEN AWAY, FOR WHICH IS AND OR HAS MANIFESTED INTO MORE THAN A METAPHYSICAL CLAIM. SEE DEC 18, 06 DEPOSITION PAGES 85-88 AND 90-91 ATTACHED HEREIN AS EXHIBIT.

~~XXVIII~~ P.E)

E.1) FOR INSTANCE, ON 1/15/07 AT 1:55 AM MTHU 23, S.N.U, D.U.2, % E. BARNHART HAD MY ASSIGNED CELL DOOR OPENED AND FOR NO PARTICULAR REASON ASKED AND OR ORDERED ME TO GIVE HERE MY "RED HORNS". IN RESPONSE I REQUESTED THE SGT? BECAUSE I ~~WAS~~ FOUND % BARNHARTS REQUEST HIGHLY UNUSAL AND INAPPROPRIATE. SUBSEQUENTLY, I THEREAFTER RECEIVED A MAJOR DISCIPLINARY WRITE UP FOR: SEXUAL MISCONDUCT, CREATING A HEALTH - SAFETY AND FIRE HAZARD, FAILING TO OBEY AN ORDER, AND ABUSE OF PRESCRIPTION MEDICATION - LAXATIVE. I WAS THEREAFTER FOUND TO BE NOT GUILTY OF THE SEXUAL MISCONDUCT OFFENSE, FOR WHICH WAS UTILIZED AS THE PRINCIPAL INCIDENT THAT GAVE REASON FOR THE MAJOR WRITEUP. I ENDED UP SERVING A 5 DAY L.O.A.P SANCTION, DATING 2/26/07 THRU 3/02/07.

FURTHERMORE, I FOUND IT TO BE ODD THAT TWO SEPERATE REPORTS WERE AUTHORED #'S 1029883 AND 1029884.

(SEE ATTACHED HEREIN AS EXHIBIT.)

E.2) AS A RESULT OF THE DISCIPLINARY REPORT(S), S.N.U CLINICIAN OLUFEMI ADESEMOLI PLACED ME ON LEVEL 1 SANCTION FROM 1/16/07 THRU 1/19/07 WITHOUT PROVIDING ME WITH A WRITTEN NOTICE, WITHOUT ALLOWING ME TO PRESENT EVIDENCE, WITHOUT ALLOWING ME TO CONFRONT MY ACCUSER, WITHOUT GIVING ME WRITTEN NOTICE OF FACT FINDING.

SAID SANCTION PREVENTED ME FROM PARTICIPATING IN THERAPY THAT OTHER PATIENTS IN THE S.N.U PARTICIPATED IN.

8TH AND 14TH U.S.C.A RIGHT VIOLATION

XXVIII P.EZ)

E.3)

AT THE D.C., THE S.N.U CLINICIAN OLUFEMI ADESEMOLI WAS NOTIFIED BY ME VERBALLY IN AUG 2006 THAT INMATE PATIENT BERNARD DROZDOWSKI ASSAULTED ME BY PUSHING ME WITH ALL HIS MIGHT, AND ON ANOTHER OCCASSION IN JAN 2007 BERNARD DROZDOWSKI PUNCHED ME WITH HIS FIST, SUBSEQUENTLY ON JAN 29, 07 BERNARD DROZDOWSKI THREATENED TO DO ME PHYSICAL HARM, IN FRONT OF %SWING, % L. LAMOEN AND RECREATIONAL AID DANA SHINNET, FOR WHICH LEAD TO BERNARD DROZDOWSKI RECEIVING A MAJOR WRITE, NOT FOR THREATENING ME, BUT FOR THREATENING % SWING, BUT INSTEAD OF PROPERLY DEALING WITH MR. DROZDOWSKI, MR ADESEMOLI THREATENED TO MOVE ME TO THE SHU

AT THE D.C.C MITH 23, DUNIT FEB 2007, BERNARD DROZDOWSKI ATTACKED ME AGAIN, BY SHUTTING ME INTO THE SHOWER, SNATCHED MY CLOTHING, I.E TOWEL, SHEET, T-SHIRT AND UNDER OFF OF THE SHOWER DOOR, AND THREW THEM INTO THE TRASH CAN, THEN BERNARD ~~DROZDOWSKI~~ DROZDOWSKI BEGAN SPITTING SALIVA ON ME. I WAS THEREAFTER GIVEN A TETANUS SHOT, AND BERNARD DROZDOWSKI WAS TRANSFERED TO ANOTHER UNIT, MITH 23 CUNIT, S.N.U.

S.N.U CLINICIAN OLUFEMI ADESEMOLI FAILED TO PROTECT ME, EVEN THOUGH THE HAD BE FULLY NOTIFIED VIA, VERBALLY, AS WELL AS GRIEVANCE # 99264 (ATTACHED HEREIN.)

8TH U.S.CA RIGHT VIOLATION.

XXVIII P.F)

F.1) ALSO, ON 2/16/07 AT 15:00 PM, % D. SCOTT WROTE ME A 24 HOUR SANCTION AT THE D.C.C., MHU 23 D UNIT. % D. SCOTT STATED THAT I CAME OUT OF THE SHOWER WITH A SHEET WRAPPED AROUND MY WAIST, AND A T-SHIRT ON, STATING I REFUSED TO OBEY HER ORDER OF GOING BACK INTO THE SHOWER TO PUT ON PANTS, EVEN THOUGH I HAD ON MY GYM SHORTS UNDER THE SHEET I UTILIZE TO BLOCK THE VIEW AND A T-SHIRT ON. THE ISSUE OF MY BEING PROPERLY DRESS WASNT THE MATTER, IT WAS THE ISSUE OF MY GENDER BEING ATTACKED. AS AN RESULT, % D. SCOTT WROTE ME UP FOR A 24 HOUR L.O.A P, LOSS OF ALL PRIVILEGES SANCTION FOR WHICH WAS DONE WITHOUT GIVING ME A HEARING, WITHOUT ALLOWING ME TO PRESENT EVIDENCE IN MY OWN BEHALF, WITHOUT PROVIDING ME WITH WRITTEN NOTICE OF FACT FINDING, WITHOUT CONTACTING THE MENTAL HEALTH STAFF TO INSURE THAT SAID DISCIPLINARY REPORT DIDNT INTERFER WITH THE THERAPY THAT THE OTHER S.N.U INMATE PATIENTS WERE ABLE TO PARTICIPATE IN, FOR WHICH IT DID INTERFER WITH ME PARTICIPATING IN GROUP RECREATION. % D. SCOTT'S ACTIONS DEFINE DELIBERATE INDIFFERENCE, DUE TO HER BEING FULLY AWARE THAT I AM A INMATE PATIENT HOUSED ON THE S.N.U, SPECIAL NEEDS UNIT.

8TH AND 14TH U.S.CA RIGHT VIOLATION.

~~XXX~~ P. 67

G.1) THE FACT THAT THESE GENDER BIAS MATTERS OCCURING AFTER THE CIVIL COMPLAINT HAVE BEEN SERVED, ARE NOT OF COINCEDENCE TO ME IN LITE OF THE CIRCUMSTANTIAL FACT THAT D.A GREGORY E. SMITH INQUIRED ABOUT ME WEARING "RED HORNS", AND MY ALLEGEDLY BEING INVOLVED IN SEXUALLY INAPPROPRIATE MATTERS.

(SEE DEC 18, 06 DEPOSITION PAGES 85-88 AND 90-91).

THIS, ALONG WITH THE FACT THAT % R. WHITE STATED TO ME THAT I AM PILING UP ALOT OF INCIDENT AND DISCIPLINARY REPORT, BUT TO MY KNOWLEDGE THIS IS NOT TRUE NOR THE FACT OF THE MATTER.

THE DILEMMA IS THAT, IF THIS IS INDEED TRUE, I HAVE NOT BEEN PROVIDED WITH ANY SORT OF WRITTEN NOTICES REGARDING ANY SORT OF VIOLATIONS IN A REASONABLE AMOUNT OF TIME (72 HOURS TO 7 DAYS), FOR WHICH WOULD GRANT ME THE ABILITY TO DEFEND MYSELF AGAINST ANY CLAIM, WITH REGARDS TO THE PRACTICALITIES AND PERCULIARITIES, I.E (MY MENTAL-DEFFECTS AS WELL AS THE RESIDUAL EFFECTS OF THE PSYCHOTROPIC MEDICATIONS im PRESCRIBED), THAT WOULD AFFORD ME THE DUE PROCESS OPPOTUNITY TO PRESENT MY OBJECTION(S), AND OR TO MARSHALL THE FACTS IN MY DEFENSE. THE INFERENCE DRAW, IS IF THE FACTS OF THESE MATTERS ARE INDEED BEING INACTED UPON IN ORDER TO GRANT THE RESPONDENTS THE TYPE OF JUOICIAL STRATEGY THAT WILL DESTROY MY CREDIBILITY, AND FURTHERMORE UTILIZED AS A BARGINING TOOL THEN I WILL HAVE SUFFERED IRREPARABLE HARM.

XXX P.62

ACTUALLY, I MADE MENTION OF THIS SCENARIO
IN MY CA NO. 05-013 (GMS) PLEADINGS.
(SEE ATTACHED AS EXHIBIT.)

I JUST WANT THIS HONORABLE COURT TO
ACKNOWLEDGE THAT THE (SEXUAL ASSAULT), THAT INMATE
SCOTT MILLER COMMITTED AGAINST THE COUNSELOR HERE
AT MATH BUILDING 24 IN 2005, IS STILL IN THE VIVID FOCUS
OF MY CUSTODIANS THOUGHTS, ALONG WITH THE FACTUAL
MAGNITUDE AND LEGAL MERIT OF CLAIMS NOTED IN MY
CIVIL COMPLAINTS, THE GOVERNERS RESPONSE TO THE
SCOTT MILLER INCIDENT, WOULD AND OR HAS PUT ME IN
DEFINITE DANGER OF IRREPARABLE HARM.

ALSO, IN CONJUNCTION WITH THE AFOREMENTIONED,
THEREAFTER DEC 18, 06, A DIFFERENT WOMAN OFFICER DAILY,
WOULD COME ONTO S.N.U D UNIT, WALK UP TO MY ASSIGNED
CELL, PEER INTO MY ASSIGNED CELL, TURN AROUND AND GO
BACK DOWN THE STAIRS, EXIT THE UNIT NEVER TO BE
SEEN AGAIN. AS FAR AS THE STATUS OF THESE WOMAN
OFFICER, INMATES WHO HAVE BEEN HERE AT THE D.C.C
FOR YEARS, SAY THAT THESE WOMAN OFFICERS ARE NOT
ROOKIES. IT'S AS IF IM BEING SHOW CASE, TO BE ~~TRAINED~~
~~THE~~ SETUP AND FRAMED.

1ST, 8TH AND 14TH U.S. CA RIGHT VIOLATIONS.

~~XXXI~~ P. 14)

4.1) HERE AT THE D.C.C., SUNDAY 3/25/07,
C/O GAVIN REQUESTED THAT I STAY IN THE DINNING
HALL AFTER EVERY ONE ELSE HAS LEFT, SO HE COULD TELL
ME SOMETHING IMPORTANT? I REQUESTED FOR HIM TO
SAY WHAT IT WAS THAT HE WAS TALKING ABOUT, RIGHT
THEN AND THERE, HE REPLIED JUST WAIT! I DECIDED IT
WAS BEST TO EXIT THE DINNING HALL WITH EVERYONE
ELSE. C/O GAVIN WORKED D UNIT S.N.U. MHU 23 THAT DAY,
AND HE DID NOT CONFRONT ME ABOUT ANY THING IMPORTANT.

THE NEXT DAY, MON 3/26/07

STAFF LT ALISA PROFACI CAME ONTO D UNIT SNU,
AND I MADE HER AWARE OF THE AFOREMENTED INCIDENT
IN ORDER FOR HER TO OBTAIN THE FACTS, BUT WHEN
C/O GAVIN CAME ONTO THE UNIT, LT PROFACI EVADED
CONFRONTING C/O GAVIN, FOR WHICH SERVED ME
NO BENEFICIAL RESOLUTION.

I HAVNT REQUESTED PROTECTIVE CUSTODY
BECAUSE YOU CAN'T BE PUT IN PROTECTIVE CUSTODY BECAUSE
OF AN OFFICER OR OFFICERS, ALSO DUE TO MY BELIEF
THAT MY FOOD WHICH IS HAND DELIVERED BY THE
CORRECTIONAL OFFICERS, WAS BEING ADULTERATED WHILE
I WAS IN THE SHU FOR SEGREGATED DISCIPLINE, ALONG
WITH THE FACT THAT I AM MORE THAN \$500.00
IN DEPT AND CAN NOT PURCHASE THE NECESSARY PRODUCTS
SUCH AS HYGIENE, FOOD, AND CLOTHING LIKE OTHER
INMATE PRISONERS.

~~XXXII~~)
P.I

H.1) AT THE D.C.C DATING FROM 5/1/05 THRU 4/1/05, I AM PRESENTLY EXPERIENCING NUMEROUS MEDICAL AND PSYCHOLOGICAL DILEMMAS THAT DR. ROGERS, DR. BOLANDA, DR. DURST, AND THOMAS L. CARROL HAVE PREVENTED FROM RECEIVING, SUCH AS: REOCCURRING INFECTION TO MY LIVER, TOE NAIL FUNGUS, HALLUCINATIONS BOTH AUDIO AND VISUAL, PERSISTANT REOCCURRING PAIN IN MY TESTICALS, TREMORS, INSOMNIA, HEADACHES, AMNESIA, EAR RINGING, VERTIGO, CONSTIPATION, EXCESSIVE DRY SKIN, HIGH BLOOD PRESSURE, FAILING EYE SIGHT, PERSISTANT PAIN IN MY LEFT HAND PINKY FINGER.

I HAVE COMPLIED WITH THE GRIEVANCE PROCEDURE, BUT MOST OF THE GRIEVANCES I FILE 85% ARE MORE THAN 18 MONTHS OLD, 10% ARE DEEMED NON-GRIEVABLE, ~~UNADJUSTED~~ 4% ARE SIMPLY DENIED, AND THE REMAINING 1%, I NEVER RECEIVE THE RESOLUTION THAT IS REACHED.

BECAUSE OF THE RESPONDENTS FAILURE TO PROVIDE ME WITH THE MEDICAL AND OR PSYCHOLOGICAL HELP I NEED, I HAVE AND WILL SUFFER IRREPARABLE HARM.

1ST AND 8TH U.S.C.A RIGHT VIOLATIONS.

XXXIII P.J.)

J.1) FEB 2007, AT THE D.C.C, VIA WRITTEN NOTATION(S) TO WARDEN THOMAS L CARROLL, AND DEPUTY WARDEN ELIZBETH BURRIS REQUEST PHOTO COPIES OF THE FOLLOWING DOCUMENTATION IN THEIR POSSESSION : INCIDENT REPORTS, DISCIPLINARY REPORTS, MEDICAL RECORDS, AND GRIEVANCES, BUT TO NO AVAIL, MY REQUEST HAVE SIMPLY BEEN IGNORED.

J.2.) FEB 2007, AT THE D.C.C, VIA WRITTEN NOTATION TO WARDEN THOMAS L. CARROLL, I HAVE REQUESTED A DISCRIPTION OF ANY TYPE OF TREATMENT I SHOULD SEEK AND OR OBTAIN, BUT TO NO AVAIL, MY REQUEST WAS SIMPLY IGNORED.

SUBSEQUENTLY, THE S.N. U CLINICIAN OLUKEMI ADESEMOLU ON 3/13/07 PROVIDED ME WITH A MENTAL HEALTH TREATMENT PLAN (SEE ATTACHED AS EXHIBIT)

BUT THE MEDICAL GRIEVANCE I SUBMITTED ON OR ABOUT 3/10/07 REGARDING A DISCRIPTION OF ANY TYPE OF TREATMENT I SHOULD SEEK AND OR OBTAIN HAS BEEN IGNORED.

~~XXXIII~~ P.J.2)

- J.3) MAY 2005 AND FEB 2007, AT THE D.C.C., VIA WRITTEN NOTATION(S), TO WARDEN THOMAS L. CARROLL, AND DEPUTY WARDEN ELIZBETH BURRIS REQUESTING AN INTERSTATE TRANSFER TO NEW JERSEY, BUT TO NO AVAIL.
- J.4) FEB 2007, AT THE D.C.C., VIA WRITTEN NOTATION(S), TO WARDEN THOMAS L. CARROLL, AND DEPUTY WARDEN ELIBETH BURRIS REQUESTING A FULL AND COMPLETE PHYSICAL, BUT TO NO AVAIL.
- J.5) FEB 2007, AT THE D.C.C., VIA WRITTEN NOTATION(S), TO WARDEN THOMAS L. CARROLL, AND DEPUTY WARDEN ELIZBETH BURRIS REQUESTING PSYCHOTHERAPY FROM A PSYCHOLOGIST, BUT TO NO AVAIL.
- J.6) FEB 2007, AT THE D.C.C., VIA WRITTEN NOTATION(S), TO WARDEN THOMAS L. CARROLL, AND DEPUTY WARDEN ELIZBETH BURRIS REQUESTING A CAT SCAN AND OR AN MRI, IN ORDER TO DETERMINE IF I AM EXPERIENCING THE NUMEROUS ~~PSYCH~~ PSYCH AND PHYSICAL DILEMMAS DESCRIBED IN GRIEVANCE # 15243, BUT TO NO AVAIL.

~~XXXX~~ PJ3)

J.7) OCT 2006, AT THE D.C.C, VIA WRITTEN NOTATION(S), TO WARDEN THOMAS L. CARROL, DEPUTY WARDEN(S) D. PIERCE AND ELIZBETH BURRIS REQUEST TO HAVE MY POSTAGE DEBT WAIVED, BUT TO NO AVAIL.

~~XXXIV~~ P. K)

FOR THE AFOREMENTIONED REASONS,
THE PETITIONER JIMMIE LEWIS, HEREBY
REQUEST FOR THIS HONORABLE COURT TO
ISSUE AN ORDER TO SHOW CAUSE, WITH THE
RELIEF SOUGHT SHOULD NOT BE GRANTED
IN FULL AND OR IN PART.

RELIEF SOUGHT :

- K.1) A FULL AND COMPLETE PHYSICAL BY A
DISINTERESTED PHYSICIAN, NOT PRESENTLY
AFFILIATED WITH THE D.O.C.
- K.2) A C.A.T AND OR MRI
- K.3.) A INTERSTATE TRANSFER TO NJ,
N.C OR P.A.
- K.4) EXPUNGMENT OF INCIDENT AND OR
DISCIPLINARY REPORTS OBTAINED IN VIOLATION
OF THE PETITIONER U.S.C.A RIGHTS.
- K.5) TO PROVIDE THIS HONORABLE COURT AND
THE PETITIONER WITH A COPY OF HIS
MEDICAL RECORDS, IN ORDER TO BE ABLE
TO POINT OUT THE ALLEGED U.S.C.A RIGHT
VIOLATIONS.

P.K 2)

K.6) FOR THE RESPONDENTS, (THE DEFENDANTS), THEIR OFFICERS, SERVANTS, EMPLOYEES, AND ALL PERSONS ACTING IN CONCERT OR PARTICIPATING WITH THEM, TO BE RESTRAINED FROM THREATENING PETITIONER WITH PUNISHMENT, PENALTY OR OTHER REPRISALS OR RETALIATIONS, HARASSING THE PETITIONER OR IMPOSING PUNISHMENT BECAUSE OF THE EXERCISE OF HIS RIGHTS UNDER THE FIRST AMENDMENT OR BECAUSE OF HIS PURSUIT OF LEGAL REMEDIES.

K.7) TO PROVIDE THIS HONORABLE COURT AND THE PETITIONER WITH A COPY ~~OF THE~~ OF ANY AUDIO OR VIDEO RECORDINGS OF THE PETITIONER AT THE D.C.C

K.8.) PSYCHOTHERAPY FROM A DISINTERESTED PSYCHOLOGIST, NOT PRESENTLY AFFILIATED WITH THE D.O.C

K.9) FOR MY POSTAL DEBT TO BE WAIVED, AND OR FOR 20% OF THE FUNDS THE PETITIONER RECEIVES, BE WITHDRAWN FOR POSTAL DEBT.

K.10) 3 PLY GRIEVANCE # 584 FORMS FOR ACCOUNTABILITY.

P.K 3)

K.11) 3 PLY PAY TO'S FORM # 34,
FOR ACCOUNTABILITY.

K.12) 3 PLY MEDICAL SICK CALL SLIPS, FORM #263,
FOR ACCOUNTABILITY.

K.13) COMPLETE DISCLOSURE ~~WARRANT~~
OF GRIEVANCE THE PETITIONER FILED,
TO BE PROVIDED TO THIS HONORABLE COURT
AND THE PETITIONER, IN ORDER TO
VERIFY THAT THE PETITIONER EXHAUSTED
ALL HIS ADMINISTRATIVE REMEDIES PER P.L.R.A.

K.14) COMPLETE DISCLOSURE OF INCIDENT
AND OR DISCIPLINARY REPORTS FILED REGARDING
THE PETITIONER, TO BE PROVIDED TO THIS
HONORABLE COURT AND PETITIONER, IN ORDER
TO VERIFY AND OR POINT OUT THE FACTS
OF THE PETITIONERS CLAIM AS WELL AS TO
POINT OUT THE ALLEGED U.S.CA RIGHT
VIOLATIONS.

K.15.) A GENERAL ELECTRIC RADIO WITH SPEAKER.

P. K 4)

K.16) NO RESTRICTIONS ON INDIGENT SUPPLIES.
FOR WHICH MEANS AN INDIGENT INMATE
CAN ORDER HYGIENE, FOOD, OR LEGAL SUPPLIES.
UP TO \$18.00 A MONTH. \$4.50 A WEEK.
TO BE REPAYED AT A 20% RATE UPON RECEIVING
FUNDS.

K.17) MENTAL HEALTH CLINICIANS ON DUTY
AT THE D.O.C INSTITUTIONS, D.C.C, S.C.I,
AND THE H.R.Y.C.I AND THE WOMAN'S INST
OF DELAWARE 24 HOURS A DAY. SO MENTAL
HEALTH PATIENTS CAN RECEIVE TREATMENT
LIKE ANY OTHER MEDICAL PATIENT WHO'S SICK.

K.18) SUICIDE FOOTWEAR, SUICIDE BLANKETS,
DAILY ACCESS TO HYGIENE PRODUCTS,
DAILY RECREATION, EMERGENCY PHONE CALLS
TO ATTORNEY AND OR FAMILY, FOR INMATES
PRESCRIBED TO BE ON PSYCH CLOSE OBSERVATION
WATCH IN THE INFIRMARY, D.C.C, H.R.Y.C.I, OR S.C.I.

19.) PUNITIVE, EXEMPLATORY AND NOMINAL DAMAGES
FOR PAIN AND SUFFERING (MONETARY).

20.) ~~DAMATORY~~ DECLARATORY JUDGEMENT.

Certificate of Service

I, JIMMIE LEWIS, hereby certify that I have served a true and correct cop(ies) of the attached: PETITION FOR WRIT OF MANDAMUS FOR PRELIMINARY INJUNCTION upon the following parties/person (s):

TO: CLERK OF THE COURT (GMS)
U.S. DISTRICT COURT
844 N. KING ST, LOCKBOX 18
WILMINGTON, DELAWARE

TO: _____

TO: _____

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, 1181 Paddock Road, Smyrna, DE 19977.

On this 18TH day of APRIL, 2007

Jimmie Lewis

Paragraph

under color of state law, at the H.R. Y.C.I, Rachel Williams Stanley Taylor, Mayor Dave Williams have failed to correct, act or respond to my written notations and or grievances regarding violations of my rights established under 11 DELCS 6509, 6517, 6535, 6530, 6531, 6523, 6525, 6536, in violation of my 1st, 8th and 14th U.S.C.A rights.

From 5/2003 to 5/2005, the defendants failed to correct, act or respond to staff members fabricating disciplinary and or incident reports against me, (covering a wide variety of institutional disciplinary violations and or psychologically related incidents.) in retaliation for my filing numerous grievances seeking resolutions in order to obtain relief from the conditions of my confinement; for which phantom witnesses have stated that I committed a disciplinary violation. This is done with assurity that no one will be reprimanded due to my being denied full disclosure and or discovery. This certifies that simply being wrote up for a disciplinary infraction, defines that I will be adjudicated guilty before the hearing officer and or disciplinary committee has the opportunity to review the evidence that I present. This renders me unable to defend myself against a wide variety of allegations that may affect my conditions of confinement. I perceive that this has been done and or is being done to cover the deliberate violations of my rights, as well as to establish a judicial strategy that will grant the defendants leverage by destroying the validity of my credibility.

6

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 06-778 GMS
)	
THOMAS L. CARROLL,)	
MAJOR DAVID K. HOLMAN,)	
D. PIERCE,)	
DR. CANNOLLY,)	
DR. BOLANDA,)	
DR. ROGERS,)	
DR. DURST,)	
LT. LARRY SAVAGE,)	
LT. RALPH HEVERIN,)	
SGT. GWENDOLYN EVERETTE,)	
C/O TELLIFFE,)	
SGT. CAIN,)	
MARY SNIDER,)	
CHARLES BENTON,)	
C/O ROSALIE VARGAS,)	
IMAD JARWAN,)	
C/O BUCKLE,)	
OLUFEMI ADESEMOLU,)	
)	
Defendants.)	

ORDER

1. The plaintiff Jimmie Lewis, SBI #506622, a pro se litigant who is presently incarcerated, has filed this action pursuant to 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

2. Based on the plaintiff's submissions, his request to proceed in forma pauperis is granted. Pursuant to 28 U.S.C. § 1915(b), the plaintiff shall be assessed the filing fee of \$350.00. The Court has determined that the **plaintiff has no**

assets and no means to pay the initial partial filing fee, nevertheless, any money the plaintiff later receives will be collected in the manner described below.

3. The plaintiff shall, within thirty days from the date this order is sent, complete and return to the Clerk of Court, the attached authorization form allowing the agency having custody of him to forward all payments required by 28 U.S.C. § 1915(b)(2) to the Clerk of the Court. **FAILURE OF THE PLAINTIFF TO RETURN THE AUTHORIZATION FORM TO THE CLERK OF COURT WITHIN THIRTY DAYS FROM THE DATE THIS ORDER IS SENT SHALL RESULT IN DISMISSAL OF THIS ACTION.**

4. The plaintiff shall be required to make monthly payments of 20 percent (20%) of the preceding month's income credited to the plaintiff's prison trust account and absent further order of the Court, the Warden or other appropriate official at Delaware Correctional Center, or at any prison at which the plaintiff is or may be incarcerated, shall forward payments from his account to the Clerk of the Court each time the amount in the account exceeds \$10.00 until the filing fee is paid. **NOTWITHSTANDING ANY PAYMENT MADE OR REQUIRED, THE COURT SHALL DISMISS THE CASE IF THE COURT DETERMINES THAT THE ACTION IS FRIVOLOUS OR MALICIOUS, FAILS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED, OR SEEKS MONETARY RELIEF AGAINST A DEFENDANT WHO**

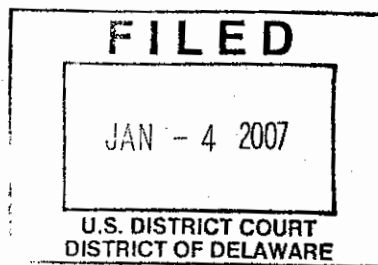
IS IMMUNE FROM SUCH RELIEF.

5. Pursuant to 28 U.S.C. § 1915(g), if plaintiff has had three or more actions dismissed by the Court on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted, the Court shall deny plaintiff leave to proceed in forma pauperis all future suits filed without prepayment of the filing fee, unless the Court determines that plaintiff is under imminent danger of serious physical injury.

DATED:

Jan 4, 2007


United States District Judge



22

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,

Plaintiff,

v.

Civil Action No. 05-013-GMS

WARDEN RAFAEL WILLIAMS,
DEPARTMENT OF CORRECTION
COMMISSIONER STANLEY
TAYLOR, JR. and STAFF, FIRST
CORRECTIONAL MEDICAL and
STAFF, CAPT. D. BAMFORD,
CAPT. EMIG, CAPT. P. PARKER,
MAJOR DAVE WILLIAMS,
CAPT. JEFFERSON, INTERNAL
AFFAIRS, LT. JOSEPH SABATO,
LT. SHEETS, LT. S. FARMER,
LT. MITCHEL, LT. CHUDZIG,
SGT. M. MOODY, SGT. FRED WAY,
SGT. C. RICHARDS, SGT. MEDFORD,
SGT. LEWIS, SGT. KENNEDY,
CORPORAL A. GOINS, CORPORAL
A. DAVIS, CORPORAL HARRIFORD,
CORPORAL CHAPEL, CORPORAL
CUMBERBACK, C/O PRESLEY,
C/O C. JOHNSON, C/O TALENTI,
C/O MARK BLUE, C/O MS. NEWMAN,
C/O D. CARLOCK, C/O B. APA,
C/O V. WILLIAMS, C/O CANON,
C/O G. INCE, C/O SOUL, C/O A.
ARMSTRONG, C/O GASSNER,
C/O D. YOUNG, C/O MACK RENOLDS,
C/O NANNETT BORDLEY,
C/O WAYMAN, C/O MASE,
C/O TAMIKO CHAFFER,
C/O RODRIGUEZ, C/O HARDGRAVE,
LT. POLK, and MICHAEL KNIGHT,

Defendants.

JIMMIE LEWIS,

Plaintiff,

v.

Civil Action No. 05-051-GMS

DEPARTMENT OF CORRECTION
COMMISSIONER STANLEY
TAYLOR, JR., WARDEN RAFAEL
WILLIAMS and STAFF, FIRST
CORRECTIONAL MEDICAL and STAFF,
INTERNAL AFFAIRS SUPERVISOR,
MAJOR DAVE WILLIAMS,
DR. BOSTON, THOMAS CARROLL,
BETTY BURRIS, and
EVELYN STEVEN,

Defendants.

JIMMIE LEWIS,

Plaintiff,

v.

Civil Action No. 05-052-GMS

FIRST CORRECTIONAL MEDICAL
and STAFF, GEORGIA SUTTON,
DEPARTMENT OF CORRECTION
COMMISSIONER STANLEY
TAYLOR, JR. and STAFF, WARDEN
RAFAEL WILLIAMS and STAFF,
DR. ALI, DR. BOSTON, DR. JOSHI,
MR. FISH, DEBRA MUSKARELI,
NURSE INNA, DIANNE HERNANDEZ,
NURSE K. JOHNSON, and
COLLEN BELL,

Defendants.

FORM #584

GRIEVANCE FORM

FACILITY: _____

DATE: _____

GRIEVANT'S NAME: _____

SBI#: _____

CASE#: _____

TIME OF INCIDENT: _____

HOUSING UNIT: _____

BRIEFLY STATE THE REASON FOR THIS GRIEVANCE. GIVE DATES AND NAMES OF OTHERS INVOLVED IN THE INCIDENT OR ANY WITNESSES.

ACTION REQUESTED BY GRIEVANT: _____

GRIEVANT'S SIGNATURE: _____

DATE: _____

WAS AN INFORMAL RESOLUTION ACCEPTED? _____ (YES) _____ (NO)

(COMPLETE ONLY IF RESOLVED PRIOR TO HEARING)

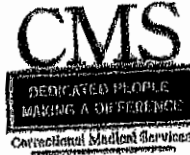
GRIEVANT'S SIGNATURE: _____

DATE: _____

IF UNRESOLVED, YOU ARE ENTITLED TO A HEARING BY THE RESIDENT GRIEVANCE COMMITTEE.

**cc: INSTITUTION FILE
GRIEVANT**

April '97 REV



Mental Health Treatment Plan

I. Problems (check all that apply):

- | | | |
|---|---|--|
| <input type="checkbox"/> Depressive ideation | <input checked="" type="checkbox"/> Sleep disturbance | <input type="checkbox"/> Lack of support |
| <input type="checkbox"/> Suicidal ideation | <input type="checkbox"/> Anger management | <input type="checkbox"/> Obsessions/compulsions |
| <input checked="" type="checkbox"/> Agitation | <input type="checkbox"/> Limited cognitive abilities | <input checked="" type="checkbox"/> Excessive worry |
| <input checked="" type="checkbox"/> Racing thoughts | <input type="checkbox"/> Limited coping skills | <input type="checkbox"/> Other: <u>Needed to know he belongs</u> |
| <input type="checkbox"/> Delusions | <input type="checkbox"/> Substance abuse/dependence | <u>as part of community</u> |
| <input checked="" type="checkbox"/> Hallucinations | | |

Current Diagnosis (include substance disorders in Axis I):

Axis I: Schizophrenia

Axis II: Depressed

Axis III: HBP

Axis IV: Unemployed

Axis V: 65

II. Strengths (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Able to communicate effectively | <input type="checkbox"/> Good insight |
| <input type="checkbox"/> Strong support system | <input type="checkbox"/> Good judgment |
| <input type="checkbox"/> Adequate educational background | <input type="checkbox"/> Willingness to participate in treatment |
| <input type="checkbox"/> Adequate vocational skills | <input type="checkbox"/> Other: |

III. Long Term Goal: Reduce or eliminate problems noted above so that they do not impair inmate's ability functioning.

IV. Short Term Treatment Objectives:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Participate in psycho education regarding mental illness, signs, symptoms, and treatment | |
| <input type="checkbox"/> Develop coping techniques for managing: | |
| <input type="checkbox"/> Depressive ideation | <input checked="" type="checkbox"/> Anxiety |
| <input type="checkbox"/> Cognitive Limitations | <input checked="" type="checkbox"/> Situational Stress |
| | <input checked="" type="checkbox"/> Anger/Frustration |
| | <input checked="" type="checkbox"/> Fluctuating Feelings |
| <input type="checkbox"/> Refer to/Participate in substance abuse treatment | <input type="checkbox"/> Participate in sex offender issues group |
| <input type="checkbox"/> Report adequate sleeping/eating patterns | <input checked="" type="checkbox"/> Take psychotropic medications as prescribed |
| <input checked="" type="checkbox"/> Report the reduction/absence of AH/VH | <input checked="" type="checkbox"/> Demonstrate organized thinking/ reality test |
| <input type="checkbox"/> Participate in at least one productive activity daily | <input checked="" type="checkbox"/> Participate in transition/discharge planning |
| <input type="checkbox"/> Participate in interactive journaling/engage in journaling | <input checked="" type="checkbox"/> Participate in bibliotherapy |
| <input type="checkbox"/> Other | |

V. Treatment Modalities:

- | | |
|--|---|
| <input type="checkbox"/> Individual treatment by clinician at least every thirty days | <input type="checkbox"/> Group treatment at least once every thirty days |
| <input type="checkbox"/> Evaluation and treatment by psychiatrist at least every 90 days | <input type="checkbox"/> Independent interactive journal |
| <input type="checkbox"/> Medication monitoring by nursing daily | <input type="checkbox"/> Other: <u>Needed to know he belongs in the community</u> |

Clinician Signature: <u>Debra Adams, M.D.</u>	Date: <u>3/13/07</u>
Title: <u>Counselor</u>	Time: <u>1:51 PM</u>
Inmate Signature: <u>James Lewis</u>	Date: <u>3/13/07</u>
Inmate Number: <u>506622</u>	Institution: <u>DC</u>

CORRECTIONAL MEDICAL SERVICES
Mental Health Office, Bldg. #24
1181 Paddock, Rd.
Smyrna, DE. 19977
PH: 302-653-9261 ex.2863
FAX: 302-653-4670

Memo

To: Sgt. Mapps

From: Olufemi Adesemolu, Mental Health Therapist


Cc: Imad Jarwan, Director of Mental Health

Date: December 1, 2006

Re: I/M Lamar Trower (305593)

I/M Lamar Trower 23D U 12 is currently serving 15 days CTQ starting 11/28/2006 till 12/10/2006.
It should be noted that the sanction was imposed following a meeting of DOC/ Mental Health
on Wednesday, November 22, 2006.

It is very important this I/M adhere to all the terms of this sanction.


Olufemi Adesemolu
Mental Health Therapist.



STATE OF DELAWARE
DEPARTMENT OF CORRECTION

OFFICE OF THE MHU/SHU UNIT MANAGER

DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977
TELEPHONE: (302) 653-9261
FAX: (302) 653-2855

MEMORANDUM

TO: MHU 23 SNU Staff
FROM: S/Lt. Alisa Profaci
SUBJECT: SNU
DATE: 16 July 2006

Attached is a schedule for SNU inmates. The only changes are that inmates are not out during count time or "chow" time.

The tiermen on SNU are not paid positions therefore they are given extra time out as compensation.

Due to the size of the tier, count wise, the SNU tier will not be separated when going to chow. Both uppers and lowers will run together.

The SNU program has built in ways of dealing with the behaviors of SNU inmates, such as the different Phases. SNU inmates can still be written up through the disciplinary process but at the same time we need to inform mental health so that they may be dealt with according to the program.

Mental health inmates present their own unique challenges to security staff. When experiencing problems with SNU tier inmates and mental health staff are on duty, have them come in to assist in calming the situation. We should make every attempt to allow the program to work keeping in mind security will not be compromised.

In the near future staff will be receiving training to assist them in handling special needs inmates.

SNU Schedule and Processes Breakdown

- 5:30 am Wake up call for breakfast. Staffs go to each door to get acknowledgement that I/M is awake. Some I/M are on heavy medication and thus do not wake easily. They do not have to physically get up, just acknowledge you.
- 6:00 am Breakfast – not mandatory. I/M can stay in cell if they choose.
- 6:30 am Medication Pass by staff Nurse. I/M are encouraged / told to take meds. If they refuse, a 404 for information purpose is filled out and processed as usual. Refusal should also be noted in the logbook so that all staffs are aware. It needs to be clarified if I/M is refusing just one specific med but is complying with taking others, or just meds for a standard medical issue versus their psychotropic meds.
- 9:00am Cell doors are opened for I/Ms to come out for Community Meeting, except anyone on lockdown (Phase one or new arrival to the program). Community meeting usually last for about 45 minutes or till it's time for count. Packets of coffee are given to the environmental leader who distributes them to I/M on level 3 and level 4. I/M on level 3 gets one packet while those on level 4 receive 2 while the community meeting is going on, security does a quick. Assessment of each cell to make sure that beds are made and cell is neat. If cell is not clean and neat, a point is lost for lack of cleanliness. **If an inmate does not come out for Community Meeting, he does not get his 1 hr. & 15 min. Rec. time later that afternoon.** (Unless there is a medical or mental health issue excusing the absence.) On a daily basis, 2 inmates, 1 from the lower the lower level and another from the upper level are assigned for cleanup duties along with the environmental leader. They should be allowed to stay out to clean as soon as they return from lunch and they get to stay out throughout the rec. period. One of the reasons we ask for this is that they cannot begin to clean the bathroom when everyone is out. Also all our workers do this for the community. They are all volunteers. This is their only incentive. No one is paid for this work assignment. Everyone works for the upkeep of the SNU community..
- Likewise, the environmental leader and the cleaning crew for the day Stays out during the recreational period 6:30 to 9:45. *EXCEPT DURING COUNT.*
- 9:45–10:30 Morning environmental cleanup.
- 11:00–11:30 Lunch
- 1:00–2:00 First afternoon Rec.
- 2:00–3:00 Second afternoon Rec.

*NOT
LUNCH
IS MANDATORY*

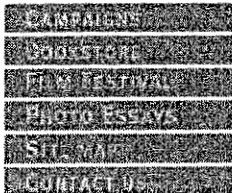
SHOWING



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SEARCH



PUBLICATIONS

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IV. WHO ARE THE MENTALLY ILL IN PRISON?

"I am a commander of Star Wars SS. We have been practicing nuclear allimators stronger than the Russians. If I'm killed it's going to burn stars and the world at the same time. If we don't watch it, people will burn and I will go into a different dimension. So I'd like to keep my single cell as long as possible. I write to Berlin, to Red China, they don't send me no package."⁷¹

- D.O.T., California State Prison, Corcoran.

The mentally ill in prison, as in the world outside prison, suffer from a wide array of mental disorders serious enough to require psychiatric treatment. The symptoms of some prisoners with serious mental illness are subtle, discernable only by clinicians. This is particularly true for prisoners suffering serious depression, who may just appear withdrawn and unsociable to other prisoners and staff. But the serious mental illness of some prisoners is easily identified even by the layman: they rub feces on themselves, stick pencils in their penises, bite chunks of flesh from their bodies, slash themselves, hallucinate, rant and rave, mumble incoherently, stare fixedly at the walls. While many of the mentally ill in prison do not suffer major impairments in their ability to function, some, like the above-quoted prisoner, are so sick they live in a world entirely constructed around their delusions.

Not only is the number of prisoners with mental illness growing, but more persons are being incarcerated whose illnesses fall at the most severe end of the mental illness spectrum. According to Dave Munson, lead psychologist at Washington State's McNeil Island Correctional Center, "the severity of the mental illness of those coming in is increasing. People are no longer going to state hospitals. The prisoners often have no idea how they ended up here."⁷² In Oregon, the administrator for counseling and treatment services reported that in the last five years the prison system has begun receiving prisoners who have been in mental health group homes since childhood.⁷³ Gloria Henry, warden of Valley State Prison for Women, California's largest prison for female prisoners, also points to the severity of the mental conditions of incarcerated women:

I don't know how [some of these women] were sentenced to prison. They have no understanding of why they are in prison. I don't know what purpose it serves. To some degree the services will be limited, because this is a prison, not a state hospital. We're having to adjust and make changes to accommodate mental health — and it's difficult.⁷⁴

Overview of Mental Illness

Mental disorders include a broad range of impairments of thought, mood, and behavior. The degree of impairment can vary dramatically from individual to individual. Also, some individuals with mental illness have periods of relative stability during which symptoms are minimal, interspersed with incidents of psychiatric crisis. Other individuals are acutely ill and dramatically symptomatic for prolonged periods.

In this report, we use the term serious mental illness to refer to diagnosable mental, behavioral, or emotional disorders of sufficient duration to meet diagnostic criteria specified in the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association, (generally referred to as DSM-IV)⁷⁵ and that result in substantial interference with or limitations on one or more major life activities.⁷⁶ The DSM-IV defines a mental disorder as:

a clinically significant behavioral or psychological syndrome or pattern that occurs in an individual and that is associated with present distress (e.g. a painful symptom) or disability (i.e., impairment in one or more important areas of functioning) or with a significant increased risk of suffering death, pain, disability, or an important loss of freedom.²⁷

The DSM-IV classification for mental disorders includes serious mental illness (Axis 1) and serious personality disorders (Axis 2). In prisons, the category of serious mental illness is typically limited to such conditions as schizophrenia, serious depression, and bipolar disorder. Schizophrenia is a frightening, complex, difficult, and debilitating disease which may include disordered thinking or speech, delusions (fixed, rigid beliefs that have no basis in reality), hallucinations (hearing or seeing things that are not real), inappropriate emotions, confusion, withdrawal, and inattention to any personal grooming. Among the subtypes of schizophrenia is "paranoid schizophrenia" with characteristics of delusions of persecution and extreme suspiciousness. Even if a person with schizophrenia is described as recovered or in remission, quite likely he or she is neither ill nor well, but will usually have a great deal of difficulty adjusting to life situations, and can be driven over the edge by overwhelming demands.⁷⁸ Serious or clinical depression, which can be experienced episodically or chronically, usually includes, among other symptoms, profound feelings of sadness, helplessness, and hopelessness. It can also be accompanied by psychotic features, including hallucinations and/or delusions. Clinical depression, which is far more common among women than men, is a significant suicide risk factor. Bipolar disorder (previously called manic-depressive disorder) is characterized by frequently dramatic mood swings from depressions to mania. During manic phases some people may be psychotic and may experience delusions or hallucinations.

Wholly apart from ensuring adequate mental health treatment, the incarceration of thousands of persons with these illnesses poses extremely difficult management challenges for correctional staff trying to ensure prison safety and security. For example, serious depression puts people at risk of suicide. Persons with schizophrenia may experience prison as a peculiarly frightening, threatening environment that can result in inappropriate behavior including self-harm or violence directed toward staff or other prisoners. Persons with bipolar disorder in a manic phase can be disruptive, quick to anger, provocative, and dangerous.⁷⁹ Prisoners with serious mental illness, particularly if the illness has psychotic features, may find it next-to-impossible to abide by, or, in more extreme cases, even to understand, prison regulations. According to correctional mental health expert and clinical professor of psychiatry at the University of Colorado's Health Sciences Center Dr. Jeffrey Metzner, "A small percentage [of prisoners] don't understand the rules. They're the ones who are psychotic. More common is that prison rules don't mean much to someone hearing voices — that's the least of their problems." A person with paranoid schizophrenia, said Metzner, may, on a literal level, understand a rule but nevertheless view a request to abide by that rule as being part of a conspiracy directed against him. "It's less of not understanding and more of acting on distortions."⁸⁰

It is not uncommon for persons who end up in jail or prison to have Axis 2 personality disorders which result in serious problems in thinking, feeling, interpersonal relations, and

impulse control. When these disorders are associated with significant functional impairments they constitute serious mental illnesses. According to the DSM-IV, personality disorders are "an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture, is pervasive and inflexible, has an onset in adolescence or early adulthood, is stable over time, and leads to distress or impairment."⁸¹

Perhaps the most prevalent personality disorders among jail and prison inmates are anti-social personality disorder (ASPD) and borderline personality disorder. The essential feature of the former is "a pervasive pattern of disregard for, and violation of, the rights of others."⁸² Persons with antisocial personality disorder, typically men, can be particularly difficult to manage in a correctional setting. They can often be manipulative, volatile, disruptive, and likely to engage in aggressive, impulsive "acting out" behavior which can include assaults on others, self-mutilation and/or suicide attempts. Epidemiological research shows that only 15 percent to 20 percent of prisoners have bona fide ASPD, if the diagnosis is made using the criteria in the DSM-IV. Yet, according to psychiatrist Dr. Terry Kupers, who has examined mental health services in many prisons, correctional mental health staff have a tendency to over-diagnose the presence of ASPD, essentially using it as a default diagnosis for anyone who seems to have mental problems of some sort but does not have an obvious Axis I illness. A diagnosis of ASPD becomes, in fact, a moral rather than clinical judgment; prisoners with ASPD are "bad" not "mad."⁸³

According to the DSM-IV, borderline personality disorder is marked by "patterns of instability in interpersonal relationships, self-image and affects, and marked impulsivity that begins in early adulthood." People with borderline personality disorder often have volatile and extreme emotions, are prone to depression, and can be difficult and manipulative. Many resort to self-mutilation at some point. Borderline personality disorder can also include episodes of psychotic decompensation. Research suggests that childhood trauma — particularly sexual and physical abuse — is one of the causal factors for the disorder. About 70 to 77 percent of people diagnosed with this disorder are women.⁸⁴ Some psychiatrists, such as Harvard University's Dr. Judith Herman, believe that many, if not most, women diagnosed as borderline are in fact suffering from what Herman calls, "complex posttraumatic stress disorder." The multiple traumas cause psychological disorganization and emotional dyscontrol that look very much like borderline personality disorder. If the diagnosis, however, is of borderline personality disorder, the complex posttraumatic stress disorder is ignored and, all too often, the women are considered just plain difficult and not amenable to or in need of treatment.⁸⁵

Although people with personality disorders may appear "normal" — just obnoxious or difficult — these mental disorders are very real and drive those who have them to behave the way they do. Unlike Axis 1 mental illnesses, personality disorders are not believed to be caused by abnormality of brain chemistry or other organic problems, but are rooted in life histories, such as childhood traumas and neglect, and perhaps genetics. For that reason, they do not generally respond to medications and are thus harder to treat and contain. Personality disorders can and often do co-exist with Axis-1 mental illnesses, further complicating the diagnosis and treatment of both.

It is a convention in correctional psychiatry to identify as serious mental illnesses only certain serious Axis I disorders such as bipolar disorder, major depression, and schizophrenia, and to limit mental health treatment to prisoners with those disorders. It is a convention in part created by the shortage of mental health staff: absent sufficient numbers to treat everyone, the determination of who warrants treatment is restricted to the most deeply troubled individuals and also those who are more likely to respond to the primary treatment modality offered in prison — medication. Correctional mental health staff are particularly reluctant to expend treatment time on prisoners with personality disorders. The judgment of correctional mental health staff about the seriousness of a non-psychotic mental condition may also be colored by their concerns that prisoners may be malingering or seeking secondary gains. It is also a convention that survives under constitutional jurisprudence that has failed to clarify the boundaries of the "serious mental illness" for which mental health services are required.

Nevertheless, individuals who suffer from other illnesses not on the short list of Axis I disorders can be equally distressed and disabled. Some personality disorders can include episodes of psychotic decompensation and several of the personality disorders can result in severe disability. For example, an individual suffering from a severe generalized anxiety disorder with panic attacks might spend all of her time terrified, incapable of acting productively, and cringing in her cell. Someone with severe obsessive-compulsive disorder might spend all his time cleaning his cell or counting cracks in the wall and be completely incapable of undertaking other activities. A person with a dysthymic disorder (a less severe form of depression than a major depressive disorder) might successfully commit suicide.

Failure to diagnose and properly attend to prisoners' personality disorders can lead to inappropriate responses by correctional staff that aggravate the prisoners' conduct and heighten the incidence of self-mutilation and suicide attempts. The clinical diagnosis of personality disorders should be followed with useful therapeutic interventions, such as individual and group talk therapy and cognitive skills and anger management training. Medication cannot address the fundamentals of personality disorders but can alleviate frequently concomitant symptoms, such as depression and anxiety. Mental health interventions can not only make life in prison more tolerable both for the prisoners and the staff who have to deal with them; they also can provide the prisoners with life-skills — such as personal hygiene, education, anger management, and an ability to recognize the signs of an approaching mental health crisis — that will serve them well when they are released from prison.

Examples of Mentally Ill Prisoners

To provide a sense of the nature and degree of serious mental illness from which some prisoners suffer, we note below some descriptions, many of which were made by mental health experts and courts who had access to complete mental health records:

- "Prisoner 1 is a 25-year-old who was transferred to [Wisconsin's] Supermax in February 2001. He has a history of serious mental illness beginning at age 11. According to a [1995] entry in his clinical file...he was diagnosed with Paranoid Schizophrenia. Prisoner 1 experiences command hallucinations, which are voices that tell him to do bad things. Prisoner 1's charts list medication orders dating back to 1995 that include the antipsychotic medications Thorazine, Haldol, Quetiapine, Seroquel, Loxitane, Risperdal and Olanzapine. On the Mental Illness Screening Tool in his file, Prisoner 1 was assigned a diagnosis of "Chronic paranoid Schizophrenia vs. Major Depression with Psychotic Features." Prisoner 1 told Dr. Kupers [plaintiffs' expert] that he hears voices constantly that command him to kill himself or hurt others....Prisoner 1 told Kupers that he cannot sleep because he "sees things," including "demons moving around the floor and climbing on my bed" all night. Prisoner 1 told Kupers that he has paranoid thoughts that the guards are out to get him. He paces in his cell. Prisoner 1 continues to experience auditory hallucinations and massive anxiety despite his strong psychotropic medications....⁸⁶
- Psychologist Craig Haney painted a harrowing picture of some of the prisoners with mental illness he encountered in Texas prisons:
- I'm talking about forms of behavior that are easily recognizable and that are stark in nature when you see them, when you look at them, when you're exposed to them. In a number of instances, there were people who had smeared themselves with feces. In other instances, there were people who had urinated in their cells, and the urine was on the floor.... There were many people who were incoherent when I attempted to talk to them, babbling, sometimes shrieking, other people who appeared to be full of fury and anger and rage and were, in some instances, banging their hands on the side of the wall and yelling and screaming, other people who appeared to be simply

disheveled, withdrawn and out of contact with the circumstances or surroundings. Some of them would be huddled in the back corner of the cell and appeared incommunicative when I attempted to speak with them. Again, these were not subtle diagnostic issues. These were people who appeared to be in profound states of distress and pain.⁸⁷

- [A Texas prisoner was]...a 45 year old man with chronic paranoid schizophrenia found in a decompensated psychotic state. His thinking was grossly disorganized and his speech was irrelevant. He appeared confused, agitated, and paranoid. The medical record indicated that his antipsychotic medication had been discontinued... due to refusals. There could be no question that his decompensation was long and tortured.... A 28 year old man with schizoaffective disorder and mental retardation... he appeared floridly psychotic and deteriorating. His left arm was severely mutilated from multiple self-inflicted lacerations.⁸⁸
- "John Doe #117 was charged with 'being untidy' because he smeared feces on his cell door...[A] psychological report found that John Doe #117 was 'mentally limited and often psychotic...not able to control his behavior and...not in good touch with reality'...[A subsequent psychological evaluation] determined that John Doe #117 was 'cognitively limited,' 'schizophrenic' and 'not completely in control of his behavior.'"⁸⁹
- "Inmate [V.Y.A.] is a 40-year-old Black male with a history of chronic, Paranoid Schizophrenia with a positive response to anti-psychotic drug therapy. Inmate [V.Y.A.] initially reported auditory hallucinations, lack of sleep, and concerns about possible effects of blood pressure medication. His mental status deteriorated and regressed considerably while in the infirmary, including alternatively claiming to be Jesus and denying he was Jesus. His affect was often intense, agitated and paranoid threatening. Thought process was disorganized, grandiose, and delusional, with auditory hallucinations at times reported but at other times denied. Decompensation continued until Inmate [V.Y.A.] became compliant with medication regime... Assessment Diagnosis: Axis I: Schizophrenia, Paranoid, Chronic with acute exacerbation."⁹⁰
- "[V.R.] is delusional and thought disordered; his speech is disorganized and tangential, with loose associations. He believes that he is 'attached to an alien affiliation' and that he has been forced to commit treason against the United States. He also claims that he is a woman, but 'they haven't found his vagina yet.' He said that he shot his mother when he was three years old, but does not know if she died or not. He also reported that he believes that there is a radio in his nerves that is broadcasting. He often picks at his ear to see if the receiver is in there but can't find it. He still believes it is there. He also gets messages through 'federal codes' in his cell."⁹¹
- "D.R. has been on psychiatric medication since the age of ten years old for hearing voices and what he calls 'psychological illusions.' He has had several previous psychiatric hospitalizations. He describes visual hallucinations of seeing ghosts, animals, people and things move. Auditory hallucinations are outside of his head, they are sometimes about Jesus, they take up to 500 different forms and talk to each other. They sometimes command him to kill himself although he has not made any previous suicide attempts. He is obviously severely mentally retarded and appeared to be blithely indifferent to his conditions."⁹²
- "Mr. BF is a forty year old black man who has been incarcerated since July 1994. [He] has a history of severe mental illness. During the period of incarceration preceding his arrival at Attica, he was psychiatrically hospitalized at CNYPC [Central New York Psychiatric Center] a total of seven times and was in and out of MHUs in the facilities where he was housed. On each occasion that he was transferred to

CNYPC, he presented with symptoms of a highly agitated, confusional psychosis with some suicidal features. His clinical presentation has also included a great deal of agitated, bizarre and inappropriate behavior, including sexual preoccupations, grandiose ideation of being a rock star, and a fixation with princess Diana of Britain. At times he experienced visual and auditory hallucinations, and sometimes carried on loud conversations with the voices he heard. He was observed to be hearing voices and seeing strange people who were not there, and became preoccupied with spacecraft, aliens, voodoo, and the singer Mariah Carey. At times, he was observed to be overtly confused and disoriented, mumbling incoherently.... At times he was quite floridly ill, while at other times, he appeared to be reasonably coherent. His behavior was often grossly bizarre and inappropriate...[H]e was observed to have inserted a lighter, cigarettes, and pictures into his anus. On at least one occasion, he inflicted multiple lacerations on both sides of his face....He smeared feces on his cell wall — even using his excrement as a paint to write words on the walls. At times he was suicidal.⁹³

- “[A prisoner in Illinois] reports he hears voices of dead people: his brother...his own victim(s); voices usually happen at night. No visual, olfactory, gustatory or tactile hallucinations.... States that cutting his arms and legs helps him to relax. Sometimes it is intended to be lethal. Has no recollection of trying to eat his own flesh except as told to him by correctional staff...diagnostic formulation: Long-standing history of psychiatric treatment/psychiatric hospitalization(s) for depression and SSDI for physical and mental disorder. [While in prison] diagnoses of depression, dysthymic disorder, cyclothymia, adjustment disorder, adult attention deficit disorder, PTSD, impulse control disorders, atypical psychosis and personality disorders...Differential diagnosis includes: Major depressive disorder, recurrent, with psychotic features; Schizophrenia, undifferentiated type; Borderline personality disorder; Schizotypal personality disorder.⁹⁴
- Y.R. is an prisoner on Virginia's death row. He was convicted of a triple-murder carried out when he was eighteen years old. Although he underwent a psychiatric evaluation conducted by a state expert, he was never given a mental health competency hearing, despite his lawyers believing him to be incompetent to stand trial.⁹⁵ Y.R., who three psychiatric experts believe developed schizophrenia aged about sixteen, sometimes believes himself to be an incarnation of famous rap stars. At other times, he declares that he is God and that the Bible was written about him. He believes that when he is executed he will immediately return to earth, bringing with him all his dead relatives. When he acts out, bangs on the walls, or floods his cell, guards have, at least twice, placed him into four point restraints; because he is so ill, he cannot write to his attorney. She only finds out about these events when other prisoners on death row contact her and tell her what has been happening to her client.⁹⁶
- During our research, Human Rights Watch interviewed numerous other prisoners also identified by mental health staff, family members, or correctional staff as seriously mentally ill and whose illness was patent. For example, we interviewed a prisoner, V.P., at Corcoran State Prison, California who was incarcerated for murdering his wife because she had cheated on him. He told Human Rights Watch that he'd been playing a game called “no murder.” “I hear my wife. She talks about game playing. No Murder. She says she's sorry she fooled around..... I think about game ‘no murder.’ I want to go home.” V.P. also said that his wife and her father had also killed him several times, but that he hadn't died; and that the whole family had been playing this game for two thousand years.⁹⁷

⁹³ Human Rights Watch interview with D.O.T., California State Prison, Corcoran, Enhanced Outpatient Program, California, July 11, 2002.



STATE OF DELAWARE
DEPARTMENT OF CORRECTION
HOWARD R. YOUNG CORRECTIONAL INSTITUTION
1301 EAST 12TH STREET
WILMINGTON, DELAWARE 19801
Telephone: (302) 429-7719
Fax: (302) 429-7708

Dave Williams
Security Superintendent

MEMORANDUM

TO: Jimmy Lewis # 506622
IE *X*

FROM: Major Dave Williams *DW 2/22*

DATE: February 22, 2005

SUBJ: **YOUR RECENT CORRESPONDENCE**

This office is in receipt of your recent correspondence. Your request for all disciplinary and incident reports pertaining to you during your incarceration here at HRYCI is denied. The information you request is confidential and released by subpoena only.

DW:sm

DISTRIBUTION

File



STATE OF DELAWARE
DEPARTMENT OF CORRECTION
HOWARD R. YOUNG CORRECTIONAL INSTITUTION
1301 EAST 12TH STREET
WILMINGTON, DELAWARE 19809
Telephone: (302) 429-7747
Fax: (302) 429-7716

Raphael Williams
Warden IV

MEMORANDUM

TO: *Jimmie Lewis, 506602*
1E Pod

FROM: *Warden Raphael Williams* 

DATE: *February 15, 2005*

SUBJ: ***YOUR RECENT CORRESPONDENCE***

Delaware law prohibits you from receiving a copy of your medical records absent of a court order.

RW:adc

DISTRIBUTION

File



STATE OF DELAWARE
DEPARTMENT OF CORRECTION
HOWARD R. YOUNG CORRECTIONAL INSTITUTION
1301 EAST 12TH STREET
WILMINGTON, DELAWARE 19809
Telephone: (302) 429-7747
Fax: (302) 429-7716

Raphael Williams
Warden IV

MEMORANDUM

TO: Jimmie Lewis, 506622
1E Pod

FROM: Raphael Williams
Warden IV

DATE: January 24, 2005

SUBJ: **YOUR RECENT CORRESPONDENCE**

You currently have 47 active grievances on file. At this time, your request to receive copies of those grievances is denied, as it is too cumbersome to copy and costly.

RW:adc

DISTRIBUTION

File



STATE OF DELAWARE
DEPARTMENT OF CORRECTION
MULTI-PURPOSE CRIMINAL JUSTICE FACILITY
1301 EAST 12TH STREET
WILMINGTON, DELAWARE 19809
Telephone: (302) 429-7747
Fax: (302) 429-7716

Raphael Williams
Warden IV

MEMORANDUM

TO: Jimmie Lewis, 506622
2A Pod

FROM: Warden Raphael Williams *[Signature]*

DATE: November 12, 2003

SUBJ: **YOUR RECENT CORRESPONDENCE**

You must work with the classification/treatment unit to obtain the necessary paperwork for out-of-state transfer through Interstate Compact.

RW:adc

DISTRIBUTION

Pam Minor, Treatment Administrator
File

OCTOBER 2006

<> SNU 23-C & 23-D ACTIVITIES & GROUPS

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	2 (two classrooms) 23C Activity Workshop 1300-1400 Music Therapy & 23D Group 1300-1500 Overcoming Thinking Errors	3 (one classroom) 23C Activity Workshop 1300-1400 Psychopharmacology	4 (one classroom) 23C Activity Workshop 1300-1400 Bibliotherapy & 23D Group (on unit) 1300- 1500 Arts & Crafts	5 (one classroom) 23C Activity Workshop 1300-1400 Depression Support Group	6 (no classrooms) 23C & 23D 1300-1500 Open Activity (on unit)	7
	9 (two classrooms) 23C Activity Workshop 1300-1400 AA/NA Substance Abuse Awareness & 23D Group 1300-1500 Overcoming Thinking Errors	10 (one classroom) 23C Activity Workshop 1300-1400 Self- Mutilation Support Group	11 (one classroom) 23C Activity Workshop 1300-1400 Bibliotherapy & 23D Group (on unit) 1300- 1500 Arts & Crafts	12 (one classroom) 23C Activity Workshop 1300-1400 Art Therapy Group	13 (no classrooms) 23C & 23D 1300-1500 Open Activity (on unit)	14
	16 (two classrooms) 23C Activity Workshop 1300-1400 Music Therapy & 23D Group 1300-1500 Overcoming Thinking Errors	17 (one classroom) 23C Activity Workshop 1300-1400 Psychopharmacology	18 (one classroom) 23C Activity Workshop 1300-1400 Bibliotherapy & 23D Group (on unit) 1300- 1500 Arts & Crafts	19 (one classroom) 23C Activity Workshop 1300-1400 Depression Support Group	20 (no classrooms) 23C & 23D 1300-1500 Open Activity (on unit)	21
	23 (two classrooms) 23C Activity Workshop 1300-1400 AA/NA Substance Abuse Awareness & 23D Group 1300-1500 Overcoming Thinking Errors	24 (one classroom) 23C Activity Workshop 1300-1400 Self- Mutilation Support Group	25 (one classroom) 23C Activity Workshop 1300-1400 Bibliotherapy & 23D Group (on unit) 1300- 1500 Arts & Crafts	26 (one classroom) 23C Activity Workshop 1300-1400 Art Therapy Group	27 (no classrooms) 23C & 23D 1300-1500 Open Activity (on unit)	28
	30 (two classrooms) 23C Activity Workshop 1300-1400 Music Therapy & 23D Group 1300-1500 Overcoming Thinking Errors	31 (one classroom) 23C Activity Workshop 1300-1400 Psychopharmacology				

NOVEMBER 2006

<> SNU 23-C & 23-D ACTIVITIES & GROUPS

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 (one classroom) 23C Activity Workshop 1300-1400 Bibliotherapy & 23D Group (on unit) 1300- 1500 Arts & Crafts	2 (one classroom) 23C Activity Workshop 1300-1400 Depression Support Group	3 (no classrooms) 23C & 23D 1300-1500 Open Activity (on unit)	4
	6 (two classrooms) 23C Activity Workshop 1300-1400 AA/NA Substance Abuse Awareness & 23D Group 1300-1500 Overcoming Thinking Errors	7 (one classroom) 23C Activity Workshop 1300-1400 Self- Mutilation Support Group	8 (one classroom) 23C Activity Workshop 1300-1400 Bibliotherapy & 23D Group (on unit) 1300- 1500 Arts & Crafts	9 (one classroom) 23C Activity Workshop 1300-1400 Art Therapy Support Group	10 (no classrooms) 23C & 23D 1300-1500 Open Activity (on unit)	11
	13 (two classrooms) DACS @ 9:00 23C Activity Workshop 1300-1400 Music Therapy & 23D Group 1300-1500 Overcoming Thinking Errors	14 (one classroom) 23C Activity Workshop 1300-1400 Psychopharmacology	15 (one classroom) 23C Activity Workshop 1300-1400 Bibliotherapy & 23D Group (on unit) 1300- 1500 Arts & Crafts	16 (one classroom) 23C Activity Workshop 1300-1400 Depression Support Group	17 (no classrooms) 23C & 23D 1300-1500 Open Activity (on unit)	18
	20 (two classrooms) 23C Activity Workshop 1300-1400 AA/NA Substance Abuse Awareness & 23D Group 1300-1500 Overcoming Thinking Errors	21 (one classroom) 23C Activity Workshop 1300-1400 Self- Mutilation Support Group	22 (one classroom) 23C Activity Workshop 1300-1400 Bibliotherapy & 23D Group (on unit) 1300- 1500 Arts & Crafts	23 (one classroom) 23C Activity Workshop 1300-1400 Art Therapy Support Group	24 (no classrooms) 23C & 23D 1300-1500 Open Activity (on unit)	25
	27 (two classrooms) 23C Activity Workshop 1300-1400 Music Therapy & 23D Group 1300-1500 Overcoming	28 (one classroom) 23C Activity Workshop 1300-1400 Psychopharmacology	29 (one classroom) 23C Activity Workshop 1300-1400 Bibliotherapy & 23D Group (on unit) 1300- 1500 Arts & Crafts	30 (one classroom) 23C Activity Workshop 1300-1400 Depression Support Group		

CORRECTIONAL MEDICAL SERVICES
 Mental Health Office, Bldg. #24
 1181 Paddock, Rd.
 Smyrna, DE. 19977
 PH: 302-653-9261 ex.2863
 FAX: 302-653-4670

Memo

To: Lt. Welcome

From: Olufemi Adesemolu SNU Coordinator

Cc: Imad Jarwan, Director of Mental Health DCC

Date: August 7, 2006

Re: Scheduled Activity for the Special Needs Unit 23D

The Special Needs Unit at 23 D would like to engage in Arts and Craft and Spades Tournament Beginning the week of 8/7/06. Each activity will last for about a month. While we realize the need to abide by the split recreation time, it may sometimes be necessary to have inmates from top and bottom level to interact during these activities. Not only is this therapeutic for these inmates, it also provide avenue for positive social interaction and for those with social anxiety the opportunity to address their issues.

This month's Activity Leader Inmate **Jimmie Lewis** would coordinate these activities. The following events would be tentatively held during the recreation period.

ARTS & CRAFTS

Leonard Baylis	L3
Billy Glaze	L7
William Murray	U8
Roy Campbell	L2
Willie Williams	L1

SPADES TOURNAMENT

Hector Quirico	U6	Michael Dolan	U3
Willis Mathews	U11	Fred Brown	U7
Norris Durham	L5	Bryan Selhorst	L9
Kevin Dixon	U1	Chris Dennis	L8

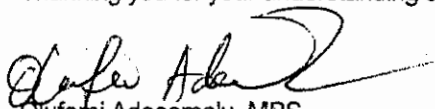
August 9, 2006

Tyrone Miller	U1	Tremaine Chapman	L8
William Novello	U4	Chris Forester	U6
John Sheats	U4	Fred Brown	U7
Chris Forester	U6	Lamar Trower	L12
Darren Brooks	U7	David Crosby	L9

PINOCHLE TOURNAMENT

Floyd Wright	LHC
Jerel Flamer	U12
Ronald Scott	L11

Thanking you for your understanding and support for the SNU programs.


Olufemi Adesemolu, MPS

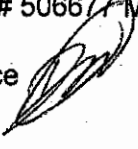
SNU Coordinator.

Name	Phase	SNU Phase Report 7/31/06-8/6/06						
Lamar Trower	2	Day Rec Only, No Evening Rec						
Bryant Waples	2	Day Rec Only, No Evening Rec						
Martin, Micheal	2	Day Rec Only, No Evening Rec						
Bryan Selhorst	2	Day Rec Only, No Evening Rec						
David Crosby	2	Day Rec Only, No Evening Rec						
Norman Banks	2	Day Rec Only, No Evening Rec						
Brooks, Darren	4							
Brown, Fred	4							
Chapman, Tremaine	4							
Darius Johnson	4							
Dennis, Chris.	4							
Dixon, Kevin	4							
Dolan, Michael	4	Community Leader News						
Drozdowski, Benard	4							
Flamer, Jerel	4							
Forrester, Chris	4							
Frank, Richard	4							
Glaze, Billy	4							
Godfrey, Clarence	4							
Hull, Robert	4							
Jimmy Lewis	4	Activity Leader						
Leonard Baylis	4							
Mathews, Willis	4							
Michael Chicosky	4							
Miller, Tyrone	4							
Minor, Samuel	4							
Murray, William	4							
Norris Durham	4							
Novello, William	4							
Quirico, Hector	4							
Roy Campbell	4							
Scott, Ronald	4							
Sheats, John	4							
Ternahan, John	4	Community Leader/Environmental						
Williams, Willie	4							
Wright, Floyd	4							
Zickgraf, Steven	4							



STATE OF DELAWARE
DEPARTMENT OF CORRECTION
OFFICE OF THE DEPUTY WARDEN
DELAWARE CORRECTIONAL CENTER
1181 Paddock Road
SMYRNA, DELAWARE 19977
Telephone: (302) 653-9261
Fax: (302) 659-6668

MEMORANDUM

TO: IM Jimmie Lewis SBI# 506677 MHU 23 DU2B
FROM: Deputy Warden Pierce 
DATE: November 27, 2006
RE: Inmate Account and Indigent Supplies

I received your letter October 12, 2006, regarding your inmate account and supplies. In regards to your inmate account the fees will not be waived since you incurred them while being incarcerated. In regards to the indigent supplies your concerns have been forwarded to Treatment Administrator Hosterman for his investigation and action.

DP/dc

Attachment

cc: Treatment Administrator Hosterman
File

OCT 12 2006

DEPUTY WARDEN I

To: Deputy Warden Preece

From: Jimmie Lewis, SB# 506622
SHU Bld 17, C-U-1

Mr Preece, in writing because I owe
more than \$250.00 for postage fees !!

The dilemma is that I have recently
run out of cosmetics, soap, deodorant,
powder, tooth paste, lotion. I wrote to
the Damas Catholic Community, but I was informed
that they are not allowed to send or bring me
the cosmetics I need. What am I to do?

My parents can send me money, but they
are retired and can't afford to shell out more than
\$250.00 for my postage and legal supply fees, bill.
Because they're retired and on a fixed income.

Can you have the postage fees waived?
Will you contact the St. Damas Catholic Community
to give them the okay about getting me cosmetics?

Please get back to me as soon as possible.

Jimmie Lewis

DATE: 10/9/06.

TO: Jimmy Lewis SBI: 00506622
DATE: 4-7-05

From: CLASSIFICATION OFFICE
RE: INITIAL CLASSIFICATION

This is to inform you that the Multi-Disciplinary Team (MDT) has classified you to **MAXIMUM** security. You will be required to complete your treatment plan and follow Institutional rules. Negative behavior, excessive write-ups, or failure to complete your treatment plan may lengthen your stay in a higher security level. You will be assigned a Quality of Life Level (QLL) and an individual treatment plan by your assigned building counselor, who will monitor your progress. Direct questions to your counselor.

NOTE: This classification is subject to a higher review.

Inmate Signature: Jimmy Lewis

Date: 4-7-05

Next Review: 6/05

RA Score: Re: 6/05, 12pt.

Three Part Form
Original: Records
Pink: File
Yellow: Inmate
FORM# 960 (3 pt)

DELAWARE CORRECTIONAL CENTER — MEMORANDUM

TO: Inmate Timmy Lewis, SBI# 506622, Housing Unit SHU
VIA: Counselor Zende
FROM: I.B.C.C.
DATE: 8/16/05
RE: Classification Results

Your M.D.T. has recommended you for the following: Med HC, MH, PR, TFC

The I.B.C.C.'s decision is to:

☒ Approve Cont Max Max Programs
☒ Not Approve Med High, MH, PR, TFC
☐ Defer
☐ Recommend
☐ Not Recommend

BECAUSE:

<input type="checkbox"/> Lack of program participation	<input type="checkbox"/> Time remaining on sentence
<input type="checkbox"/> Pending disciplinary action	<input type="checkbox"/> Prior failure under supervision
<input type="checkbox"/> Gradual phasing indicated	<input type="checkbox"/> Poor institutional adjustment
<input type="checkbox"/> Open charges	<input type="checkbox"/> Serious nature of offense
<input type="checkbox"/> Prior criminal history	
<input type="checkbox"/> Failure to follow your treatment plan in that you	

☐ You present a current and continuous danger to the safety of staff, other inmates, or the good order of the Institution. Explanation:

OTHER: Rev: 08/06

ADDITIONAL COMMENTS:

☐ Develop/continue treatment plan with counselor

You will be expected to address the following:

Copy to: Classification
Inmate
Institution File

Form #456
Revised 11/97

Special Order Items Requested for Purchase from Commissary

Inmate Name: JIMMIE LEWISSBI# 506622Inmate Signature: Jimmie LewisDate 2/5/06Bldg: 19 Tier: A Cell: U-7Please allow 7-10 days for Delivery of items In Stock.

Note: Not all items on this list are approved for all areas.

Circle your choice for any item that has one. i.e. Chess/ Checkers/Dominos

Qty Requested	Qty Approved	Item	Cost \$
		Bristle Pads	
		Brushes (low/high quality)	
		Chess/Checkers/Dominos	
		Crayons	
		Fan	
		Handkerchief	
		Headphones - Sony	
		Lockerbox	
		Pastels	
		Pencil Sharpener	
		Photo Album	
		Protractor	
<u>1</u>	<u>1</u>	Radio - NO SPEAKER	<u>\$48.00</u>
		Remote Control (universal)	<u>313 794</u>
		Ruler	
		Television, clear, NO SPEAKER	
		Watch Battery (Comm watch only)	
		Watercolor markers	
		Watercolor paints	
		Watercolor pencils	
		Wrist Watch	

Reviewed by Commissary Officer: HellDate: 2-16-06Received by Inmate: Jimmie LewisDate: 2/24/06

FORM #: 661A (Rev. 01/05) (3 pt NCR)

Distribute: White - Property Officer
Pink - Commissary
Yellow - Inmate

Please Note: This form must be submitted on your scheduled commissary day,
along with any other purchases you may have.
At that time the amount will be deducted from your account.

38 2/24/06
NB

Special Order Items Requested for Purchase from Commissary

Inmate Name: JIMMIE LEWIS
 Inmate Signature: Jimmie Lewis
 Bldg: 19 Tier: A Cell: 4-7

SBI# 506622
 Date 1/08/06

Please allow 7-10 days for Delivery of items **In Stock**.

Note: Not all items on this list are approved for all areas.

Circle your choice for any item that has one. i.e. Chess/ Checkers/Dominos

Qty Requested	Qty Approved	Item	Cost \$
		Bristle Pads	
		Brushes (low/high quality)	
		Chess/Checkers/Dominoes	
		Crayons	
		Fan	
		Handkerchief	
<u>1</u>	<u>1</u>	Headphones - Sony	<u>\$34.19</u>
		Lockerbox	
		Pastels	
		Pencil Sharpener	
		Photo Album	
		Protractor	
	<u>1</u>	Radio - NO SPEAKER	
		Remote Control (universal)	
		Ruler	
		Television, clear, NO SPEAKER	
		Watch Battery (Comm watch only)	
		Watercolor markers	
		Watercolor paints	
		Watercolor pencils	
		Wrist Watch	

Reviewed by Commissary Officer: HLL

Date: 1-11-6

Received by Inmate: Jimmie Lewis

Date: 1/24/06

FORM #: 661A (Rev: 01/05) (3 pt NCR)

Distribute: White - Property Officer
 Pink - Commissary
 Yellow - Inmate

Please Note: This form must be submitted on your scheduled commissary day, along with any other purchases you may have. At that time the amount will be deducted from your account.

PL 1/24/06
(NCR)

FORM# 5.37-A

HOUSING UNIT:

TIME:

DATE _____

TIME:

ITEM	DESCRIPTION/BRAND NAME	S/P**	QUANTITY	CONDITION (Poor/Fair/Good)
1	Envelopes legal	P	3	✓ Poor
Envelopes	white (9x5 in.)	P	24	✓ Fair
Basket	The power of positive Thinking	P	1	✓ Fair
Memos	Various	P	12	✓ Fair
Pens	Black Bic	P	\$ 1	✓ Fair

Officer's Name (Print Clearly)

Shift

Officer's Signature Who Inventoried Property

Supervisor's Name (Print Clearly)

Shift

Supervisor's Signature Reviewing Inventory

Record of Transfer of Property

The acquired/confiscated property, with exceptions noted, as listed above was received from:

_____, on ____/____/____, at _____, by _____, within _____
(Person Transferring Property) (Date) (Time) (Person Receiving Property) Unit

Record of Transfer of Property

The acquired/confiscated property, with exceptions noted, as listed above was received from:

_____, on ____/____/____, at _____, by _____, within _____
(Person Transferring Property) (Date) (Time) (Person Receiving Property) Unit

Record of Transfer of Property

The acquired/confiscated property, with exceptions noted, as listed above was received from:

_____, on ____/____/____, at _____, by _____, within _____
(Person Transferring Property) (Date) (Time) (Person Receiving Property) Unit

St. Dismas Conference
SOCIETY OF ST. VINCENT DePAUL

Delaware Correctional Center
1181 Paddock Road
Smyrna, Delaware 19977



Date 12-1-05

Dear Mr. Lewis,

Thank you for your recent request for cosmetic assistance. The Society of St. Vincent DePaul would consider it a privilege to serve you; however, security concerns do not allow us to send cosmetics to the SHU. Please write again when you get to the MHU.

Thank you again, and God bless.

Wishing you peace, prosperity, and happiness,

Louis Renai

Louis Renai, Vice President

Glenn E. MacDonald, President

SENTENCING WORKSHEET

Time:

Sent to Judge:

Defendant Name: <u>Lewis Jimmy</u>		Date: <u>02-11-05</u>
AKA:		Judge: <u>PLA</u>
ID Number: <u>0305016966</u>		DOB: <u>12-25-66</u>
Criminal Action Number:	Charge: <u>Carjacking 2nd</u>	
Prefix <u>IN</u> Number <u>03-06-0175</u> Suffix		
FINANCIAL		
<input type="checkbox"/> Pay Costs	<input type="checkbox"/> Costs Suspended	<input type="checkbox"/> Pay Fine \$
		<input type="checkbox"/> 15% <input type="checkbox"/> 18%
<input type="checkbox"/> Fine Suspended:		
IMPRISONMENT/PROBATION		
<input type="checkbox"/> In Violation of Probation/Contempt <input type="checkbox"/> Revoked <input type="checkbox"/> Continued <input type="checkbox"/> Modified <input type="checkbox"/> Discharged		
Effective:		Beginning:
Be imprisoned for <u>5</u> years <u> </u> months <u> </u> days At Level <u>5</u>		Ending:
Level 5 Treatment:		Eff Date: <u>5/26/03</u>
<input type="checkbox"/> Min. Mandatory Time:	Title/Sec:	<input type="checkbox"/> Credit for <input type="checkbox"/> Time Served
<input type="checkbox"/> Suspended Immediately		
<input type="checkbox"/> Susp After	<input type="checkbox"/> time served for	<input type="checkbox"/> at Level
<input type="checkbox"/> Susp After	<input type="checkbox"/> time served for	<input type="checkbox"/> at Level
<input type="checkbox"/> Susp After	<input type="checkbox"/> time served for	<input type="checkbox"/> at Level
Followed By: at Level Balance at Level		
Probation for at Level Suspended after for at Level		
<input type="checkbox"/> Consecutive to:		<input checked="" type="checkbox"/> Concurrent with:
<input type="checkbox"/> Level 4 Sentence, Hold at: (circle one) 3 5		<input type="checkbox"/> Guilty but Mentally Ill, to be confined at Delaware Psychiatric Center (Delaware State Hospital) until competent.
RESTITUTION	TO:	Amount:
<input type="checkbox"/> Determined by Presentence Memo	Address:	
CONDITIONS		
<input type="checkbox"/> Pay costs, fines, restitution during <input type="checkbox"/> Probationary period <input type="checkbox"/> Previously Ordered		
<input type="checkbox"/> Work Referral <input type="checkbox"/> TASC Supervision/Evaluation <input type="checkbox"/> Pay Costs of Supervision <input type="checkbox"/> One Time Fee <input type="checkbox"/> Determined by Probation <input type="checkbox"/> Community Service: Hours <input checked="" type="checkbox"/> No Contact with <u>Patrick Geer</u> <input type="checkbox"/> Victim <input type="checkbox"/> Codefendant		SEX OFFENDER: (circle one) <u>COMMITMENT</u> RELEASE DEFERRED COMMITMENT
<input type="checkbox"/> No Driving for <input checked="" type="checkbox"/> Subst Abuse Eval <input type="checkbox"/> Alcohol Treatment <input checked="" type="checkbox"/> Mental Health <input type="checkbox"/> Residential Drug/Aic <input type="checkbox"/> Job Training <input type="checkbox"/> Obtain GED <input type="checkbox"/> Outpatient Drug/Aic <input type="checkbox"/> Fully Employed <input type="checkbox"/> Random Urinalysis <input type="checkbox"/> 4177 DUI Program <input type="checkbox"/> Zero Tolerance <input type="checkbox"/> Follow Original Conditions of Probation <u>Anger Management</u>		
<input checked="" type="checkbox"/> Nolle Prosses entered on remaining charges <input checked="" type="checkbox"/> Nolle Prosses entered on Criminal Action Number(s):		
PR \$ SH \$ TOTAL \$		

DEF. ATTY:

DAG:

CLERK:

CT. REP:

Edinger

Robertson

Ferry

Coale

SENTENCING WORKSHEET

Defendant Name: <u>Lewis, Jimmy</u>		Date: <u>02-11-05</u>
AKA: _____		Judge: <u>PLA</u>
ID Number: <u>D305616966</u>		DOB: <u>12-25-66</u>
Criminal Action Number:	Charge: <u>Theft 1000 or ></u>	
Prefix <u>IN</u> Number <u>D3-06-0176</u> Suffix _____		
FINANCIAL		
<input type="checkbox"/> Pay Costs	<input type="checkbox"/> Costs Suspended	<input type="checkbox"/> Pay Fine \$ <input type="checkbox"/> 15% <input type="checkbox"/> 18%
<input type="checkbox"/> Fine Suspended:		
IMPRISONMENT/PROBATION		
<input type="checkbox"/> In Violation of Probation/Contempt <input type="checkbox"/> Revoked <input type="checkbox"/> Continued <input type="checkbox"/> Modified <input type="checkbox"/> Discharged		
Effective: _____		Beginning: _____
Be imprisoned for <u>2</u> years _____ months _____ days At Level <u>5</u>		Ending: _____
Level 5 Treatment: _____		Eff Date: _____
<input type="checkbox"/> Min. Mandatory Time: _____ Title/Sec: _____		<input type="checkbox"/> Credit for _____ <input type="checkbox"/> Time Served _____
<input type="checkbox"/> Suspended Immediately		
<input checked="" type="checkbox"/> Susp After <u>1y</u> <input type="checkbox"/> time served for <u>1y</u> at Level <u>4</u> <input checked="" type="checkbox"/> Plummer/Home Conf/Day Reporting		
<input checked="" type="checkbox"/> Susp After <u>6m</u> <input type="checkbox"/> time served for <u>6m</u> at Level <u>3</u> <input type="checkbox"/> Plummer/Home Conf/Day Reporting		
<input type="checkbox"/> Susp After _____ <input type="checkbox"/> time served for _____ at Level _____ <input type="checkbox"/> Plummer/Home Conf/Day Reporting		
Followed By: _____ at Level _____ Balance at Level _____		
Probation for _____ at Level _____ Suspended after _____ for _____ at Level _____		
<input type="checkbox"/> Consecutive to: _____ <input checked="" type="checkbox"/> Concurrent with: _____		
<input type="checkbox"/> Level 4 Sentence, Hold at: (circle one) <u>3</u> <u>5</u> <input type="checkbox"/> Guilty but Mentally Ill, to be confined at Delaware Psychiatric Center (Delaware State Hospital) until competent.		
RESTITUTION	TO: _____	Amount: _____
<input type="checkbox"/> Determined by Presentence Memo	Address: _____	
CONDITIONS		
<input type="checkbox"/> Pay costs, fines, restitution during _____ <input type="checkbox"/> Probationary period <input type="checkbox"/> Previously Ordered		
<input type="checkbox"/> Work Referral <input type="checkbox"/> TASC Supervision/Evaluation <input type="checkbox"/> SEX OFFENDER: Registration/Community Notification Required. Level 1-4 Sentence: Super Ct to provide notice and register def. Level 5 Sentence: Dept of Correction to provide notice and register def.		(circle one) COMMITMENT RELEASE DEFERRED COMMITMENT
<input type="checkbox"/> Pay Costs of Supervision <input type="checkbox"/> One Time Fee <input type="checkbox"/> Determined by Probation		
<input type="checkbox"/> Community Service: _____ Hours <input type="checkbox"/> Victim <input type="checkbox"/> Codefendant		
<input type="checkbox"/> No Contact with _____ <input type="checkbox"/> Mental Health <input type="checkbox"/> Obtain GED <input type="checkbox"/> Random Urinalysis		
<input type="checkbox"/> No Driving for _____ <input type="checkbox"/> Subst Abuse Eval <input type="checkbox"/> Alcohol Treatment <input type="checkbox"/> Job Training		
<input type="checkbox"/> Residential Drug/Alc <input type="checkbox"/> Outpatient Drug/Alc <input type="checkbox"/> 4177 DUI Program <input type="checkbox"/> Zero Tolerance		
<input type="checkbox"/> Follow Original Conditions of Probation		
<input checked="" type="checkbox"/> Nolle Prosses entered on remaining charges <input checked="" type="checkbox"/> Nolle Prosses entered on Criminal Action Number(s): _____		PR \$ _____ SH \$ _____ TOTAL \$ _____

DEF. ATTY:

Edinger

DAG:

Robertson

CLERK:

Ferry

CT. REP:

Coale

Defendant Name: <u>Lewis, Jimmy</u>		Date: <u>02-11-05</u>
AKA:		Judge: <u>PLA</u>
ID Number: <u>0305016966</u>		DOB: <u>12-25-66</u>
Criminal Action Number:	Charge: <u>Resist Arrest</u>	
Prefix <u>IN</u> Number <u>03-06-0177</u> Suffix		
FINANCIAL		
<input type="checkbox"/> Pay Costs	<input type="checkbox"/> Costs Suspended	<input type="checkbox"/> Pay Fine \$ <input type="checkbox"/> 15% <input type="checkbox"/> 18%
<input type="checkbox"/> Fine Suspended:		
IMPRISONMENT/PROBATION		
<input type="checkbox"/> In Violation of Probation/Contempt <input type="checkbox"/> Revoked <input type="checkbox"/> Continued <input type="checkbox"/> Modified <input type="checkbox"/> Discharged		
Effective: <u>1</u> years <u>0</u> months <u>0</u> days At Level <u>5</u>		Beginning: _____
Be imprisoned for _____		Ending: _____
Level 5 Treatment: _____		Eff Date: _____
<input type="checkbox"/> Min. Mandatory Time: _____ Title/Sec: _____		<input type="checkbox"/> Credit for <input type="checkbox"/> Time Served
<input checked="" type="checkbox"/> Suspended Immediately		
<input type="checkbox"/> Susp After _____ <input type="checkbox"/> time served for <u>014</u> at Level <u>2</u> <input type="checkbox"/> Plummer/Home Conf/Day Reporting		
<input type="checkbox"/> Susp After _____ <input type="checkbox"/> time served for _____ at Level _____ <input type="checkbox"/> Plummer/Home Conf/Day Reporting		
<input type="checkbox"/> Susp After _____ <input type="checkbox"/> time served for _____ at Level _____ <input type="checkbox"/> Plummer/Home Conf/Day Reporting		
Followed By: _____ at Level _____ Balance at Level _____		
Probation for _____ at Level _____ Suspended after _____ for _____ at Level _____		
<input type="checkbox"/> Consecutive to: _____ <input checked="" type="checkbox"/> Concurrent with: _____		
<input type="checkbox"/> Level 4 Sentence, Hold at: (circle one) <u>3</u> <u>5</u> <input type="checkbox"/> Guilty but Mentally Ill, to be confined at Delaware Psychiatric Center (Delaware State Hospital) until competent.		
RESTITUTION	TO:	Amount:
<input type="checkbox"/> Determined by Presentence Memo	Address:	
CONDITIONS		
<input type="checkbox"/> Pay costs, fines, restitution during _____ <input type="checkbox"/> Probationary period: <input type="checkbox"/> Previously Ordered		
<input type="checkbox"/> Work Referral <input type="checkbox"/> TASC Supervision/Evaluation <input type="checkbox"/> Pay Costs of Supervision <input type="checkbox"/> One Time Fee <input type="checkbox"/> Determined by Probation <input type="checkbox"/> Community Service: _____ Hours <input type="checkbox"/> Victim <input type="checkbox"/> Codefendant <input type="checkbox"/> No Contact with _____		(circle one) COMMITMENT RELEASE DEFERRED COMMITMENT
<input type="checkbox"/> No Driving for _____ <input type="checkbox"/> Subst Abuse Eval <input type="checkbox"/> Alcohol Treatment <input type="checkbox"/> Mental Health <input type="checkbox"/> Residential Drug/Alc <input type="checkbox"/> Job Training <input type="checkbox"/> Obtain GED <input type="checkbox"/> Outpatient Drug/Alc <input type="checkbox"/> Fully Employed <input type="checkbox"/> Random Urinalysis <input type="checkbox"/> 4177 DUI Program <input type="checkbox"/> Zero Tolerance		
<input type="checkbox"/> Follow Original Conditions of Probation		
<input checked="" type="checkbox"/> Nolle Prosses entered on remaining charges <input checked="" type="checkbox"/> Nolle Prosses entered on Criminal Action Number(s):		
		PR \$
		SH \$
		TOTAL \$

DEPUTY:

Edinger

DAG:

Robertson

CLERK:

Ferry

CL. REP:

Coale

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

GRIEVANCE REPORT

OFFENDER GRIEVANCE INFORMATION

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 16149	Grievance Date : 07/31/2005	Category : Individual
Status : Unresolved	Resolution Status :	Resol. Date :
Grievance Type: Law Library	Incident Date : 07/31/2005	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 19, Upper, Tier D, Cell 12, Single	

OFFENDER GRIEVANCE DETAILS

Description of Complaint: Inmate claims he has been requesting legal assistance from the LL for the last two weeks but to no avail. He states none of his correspondences are acknowledged.

Remedy Requested : Inmate requests to be told why he is being denied LL access.

INDIVIDUALS INVOLVED

Type	SBI #	Name
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ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : NO	Date Received by Medical Unit :
Investigation Sent :	Investigation Sent To : Little, Michael
Grievance Amount :	

Wilmington Correctional Institution
1301 E. 12th Street
WILMINGTON DE, 19809
Phone No. 302-429-7700

GRIEVANCE REPORT

OFFENDER GRIEVANCE INFORMATION

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : HRYCI
Grievance # : 9686	Grievance Date : 12/14/2004	Category : Individual
Status : Unresolved	Resolution Status :	Resol. Date :
Grievance Type: Health Issue (Medical)	Incident Date : 12/14/2004	Incident Time :
IGC : Moody, Mary	Housing Location : Building 1, West, Floor 1, Pod 1E, Cell 15, Bed A	

OFFENDER GRIEVANCE DETAILS

Description of Complaint: What do I have to do in order to receive medical treatment when I'm on PCO II status?

Remedy Requested :

INDIVIDUALS INVOLVED

Type	SBI #	Name

ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : YES	Date Received by Medical Unit : 12/17/2004
Investigation Sent : 12/17/2004	Investigation Sent To : Sutton, Georgia
Grievance Amount :	

HRYCI Howard R. Young Correctional Institution

1301 E. 12th Street
WILMINGTON DE, 19809
Phone No. 302-429-7700**GRIEVANCE INFORMATION - Appeal****OFFENDER GRIEVANCE INFORMATION**

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : HRYCI
Grievance # : 9686	Grievance Date : 12/14/2004	Category : Individual
Status : Unresolved	Resolution Status :	Inmate Status :
Grievance Type: Health Issue (Medical)	Incident Date : 12/14/2004	Incident Time :
IGC : Moody, Mary	Housing Location : Building 1, West, Floor 1, Pod 1E, Cell 15, Bed A	

APPEAL REQUEST

Appeal submitted by Jimmy Lewis, 506622-dated 1-18-05 Ms. Georgia Sutton explained to me that First Correctional Medical and staff are not responsible for cleaning the Psych Close Observation rooms #196 and #197, but F.C.M. is responsible for providing medical treatment when I am prescribed to be on PCO II status. On many occasions in the past, I have tried to obtain medical treatment while I was prescribed to be on PCO II status, only to be told during morning med pass to fill out a sick call slip and submit it? When PCO II status does not permit me to have and or utilize paper, pencils or pens. Due to my chronic mental illness, it is highly probable that I will be prescribed PCO II status again. I have therefore refused to sign the informal resolution on 1/18/05, because I don't want my mental health status to jeopardize my medical needs. Jimmy Lewis

REMEDY REQUEST

Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

GRIEVANCE REPORT

OFFENDER GRIEVANCE INFORMATION

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 15114	Grievance Date : 07/04/2005	Category : Individual
Status : Unresolved	Resolution Status :	Resol. Date :
Grievance Type: Health Issue (Medical)	Incident Date : 07/04/2005	Incident Time :
IGC : Vargas, Rosalie	Housing Location : Bldg 19, Upper, Tier D, Cell 12, Single	

OFFENDER GRIEVANCE DETAILS

Description of Complaint: Inmate states experiencing complications in groin, pain in testicles and pain during urination. Was taken to urologist and was scheduled to return for follow up but have not received it.

Remedy Requested : I want to be rescheduled to visit my urologist in order to obtain treatment for problems in my groin

INDIVIDUALS INVOLVED

Type	SBI #	Name
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ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : YES	Date Received by Medical Unit : 07/08/2005
Investigation Sent : 07/08/2005	Investigation Sent To : Breton, Monique
Grievance Amount :	

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

GRIEVANCE REPORT

OFFENDER GRIEVANCE INFORMATION

Offender Name : LEWIS, JIMMY SBI# : 00506622 Institution : DCC
Grievance # : 15533 Grievance Date : 07/24/2005 Category : Individual
Status : Unresolved Resolution Status : Resol. Date :
Grievance Type: Health Issue (Medical) Incident Date : 07/22/2005 Incident Time :
IGC : Merson, Lise M Housing Location : Bldg 19, Upper, Tier D, Cell 12, Single

OFFENDER GRIEVANCE DETAILS

Description of Complaint: Inmate claims he experiences numerous psychiatric dilemma's on a daily basis. For more then a year he has complied with the psychotropic medicine that's prescribed to him but numerous requests to receive mental health treatment from a psychologist have been ignored.

Remedy Requested : psychotherapy from a psychologist.

INDIVIDUALS INVOLVED

Type	SBI #	Name
------	-------	------

ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : YES Date Received by Medical Unit : 07/27/2005
Investigation Sent : 07/27/2005 Investigation Sent To : Dunn, Lee Anne
Grievance Amount :

Inmate Copy

Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

GRIEVANCE REPORT

OFFENDER GRIEVANCE INFORMATION

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 15243	Grievance Date : 07/09/2005	Category : Individual
Status : Unresolved	Resolution Status :	Resol. Date :
Grievance Type: Health Issue (Medical)	Incident Date : 06/25/2005	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 19, Upper, Tier D, Cell 12, Single	

OFFENDER GRIEVANCE DETAILS

Description of Complaint: inmate claims after being transferred back to DOC on 6-25-2005 from DE Psychiatric Center he reported illnesses Insomnia, headaches, delusions, hallucinations, ear ringing, dizziness, vertigo tremors and speech problems. Dr. Adrumburo agreed with inmate could be the side effects of psychotropic medicines inmate received at DPC. Inmate claims Dr. Adrumburo explained that the symptoms are side effects of Geoson, Haldol, Seroquel, ativan and Benadryl, in which could also very well be signs of brain damage.

Remedy Requested : Inmate requests an MRI and or CAT scan in order to determine if he has brain damage as well as to determine if his psychological dilemma's are in relation to brain damage.

INDIVIDUALS INVOLVED

Type	SBI #	Name
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ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : YES	Date Received by Medical Unit : 07/12/2005
Investigation Sent : 07/12/2005	Investigation Sent To : Breton, Monique
Grievance Amount :	

GRIEVANCE REPORT**OFFENDER GRIEVANCE INFORMATION**

Offender Name : LEWIS, JIMMY SBI# : 00506622 Institution : DCC
Grievance # : 19547 Grievance Date : 10/19/2005 Category : Individual
Status : Unresolved Resolution Status : Resol. Date :
Grievance Type: Mail Incident Date : 04/06/2005 Incident Time :
IGC : Merson, Lise M Housing Location : ~~Bldg D/Infirmary~~, Tier D, Cell 188, Single bldg 17

OFFENDER GRIEVANCE DETAILS

Description of Complaint: Inmate claims: On April 6, 2005, Jenny Havel, support service secretary posted memorandums on the units stating that the inmate population would not be charged for postal fee's in accordance to the newly adapted policy, but yet and still I have been charged more than \$80.00 for legal mail postal fee's.

Remedy Requested : I want the legal mail postal fee's that total \$80.00 withdrawn from my account, credited back into my account. dating from April 2005 up until Sept. 2005.

INDIVIDUALS INVOLVED

Type	SBI #	Name
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ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : NO Date Received by Medical Unit :
Investigation Sent : Investigation Sent To : Havel, Jenny
Grievance Amount :

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

INFORMAL RESOLUTION

OFFENDER GRIEVANCE INFORMATION

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 19547	Grievance Date : 10/19/2005	Category : Individual
Status : Unresolved	Resolution Status :	Inmate Status :
Grievance Type: Mail	Incident Date : 04/06/2005	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg D/Infirmary, Tier D, Cell 188, Single	

INFORMAL RESOLUTION

Investigator Name : Havel, Jenny Date of Report 11/01/2005

Investigation Report :

Reason for Referring:

Investigator Name : Smith, Tonya Date of Report 04/04/2006

Investigation Report :

Reason for Referring: Ms. Smith,
This grievance has reached the 150 warning. Thank You,
Cpl Merson.

Investigator Name : Smith, Tonya Date of Report 08/09/2006

Investigation Report : Attached are Inmate Lewis' account statements from April 2005- through June 2006. Postage is still paid for by the inmates. If funds are available on the inmate's account, the account is charged immediately. If funds are not available, a hold is placed on the account and the fees are taken as funds become available.

Reason for Referring: Ms Smith this grievance is 10 months old and there has never been an investigation done one needs to be completed ASAP in order for a hearing to be held thank you Cpl Merson

Offender's Signature: _____

Date : _____

Witness (Officer) : _____

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 12/07/2006

GRIEVANCE REPORT**OFFENDER GRIEVANCE INFORMATION**

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 85884	Grievance Date : 11/29/2006	Category : Individual
Status : Unresolved	Resolution Status :	Resol. Date :
Grievance Type: Treatment	Incident Date : 11/22/2006	Incident Time :
IGC : McCreanor, Michael	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

OFFENDER GRIEVANCE DETAILS

Description of Complaint: I am an inmate who is classified to the Special Needs Unit (SNU) for mental illnesses and behavioral issues. I've been informed that I cannot attend group activities, group therapy, or group community meetings. I am entitled to receive treatment and/or therapy like other inmates calssified to the SNU regarding active rehabilitation.

Remedy Requested : for this matter to be investigated.

INDIVIDUALS INVOLVED

Type	SBI #	Name
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ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : NO	Date Received by Medical Unit :
Investigation Sent :	Investigation Sent To : Hosterman, Ron
Grievance Amount :	

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 10/24/2006

GRIEVANCE REPORT**OFFENDER GRIEVANCE INFORMATION**

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 76247	Grievance Date : 10/17/2006	Category : Individual
Status : Unresolved	Resolution Status :	Resol. Date :
Grievance Type: Medical Staff	Incident Date : 08/21/2006	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 17, Upper, Tier C, Cell 1, Single	

OFFENDER GRIEVANCE DETAILS

Description of Complaint: Inmate claims: On 8/22/06 my left hand was x-rayed for which revealed my pinky finger was fractured. the x-ray tech Mary Blades informed the male doctor who was working in the infirmary that day and subsequently Dr. Rogers was notified but nothing was done. Two weeks thereafter I was sent out to a hand doctor, who scheduled me to return, unbeknownst to me, two week thereafter for surgery, but the fracture had already begun to heal.

Remedy Requested : I want to know exactly who is responsible for it taking so long for me to receive medical treatment, due to it being undoubtedly known that I was in pain because my left pinky finger was broken.

INDIVIDUALS INVOLVED

Type	SBI #	Name
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ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : YES	Date Received by Medical Unit : 10/24/2006
Investigation Sent : 10/24/2006	Investigation Sent To : Rodweller, Deborah
Grievance Amount :	

DCC Delaware Correctional Center

Date: 10/24/2006

Smyrna Landing Road

SMYRNA DE, 19977

Phone No. 302-653-9261

GRIEVANCE REPORT**OFFENDER GRIEVANCE INFORMATION**

Offender Name : LEWIS, JIMMY **SBI# :** 00506622 **Institution :** DCC
Grievance # : 76246 **Grievance Date :** 10/17/2006 **Category :** Individual
Status : Unresolved **Resolution Status :** **Resol. Date :**
Grievance Type: Health Issue (Medical) **Incident Date :** 10/17/2006 **Incident Time :**
IGC : Merson, Lise M **Housing Location :** Bldg 17, Upper, Tier C, Cell 1, Single

OFFENDER GRIEVANCE DETAILS

Description of Complaint: Inmate claims: I have toe nail fungus, that has cause my toe nails to rot. When I clip my toe nails, it hurts and bleeds because the fungus is at the root of my toe nails. This fungus is so bad that my toe nail crumbles when I clip them. Initially this wasn't the case, but the more time that passes, the worse it becomes. I have filed numerous sick call slips, PA Ott and Dr. Rogers both told me that nothing could be prescribed to help clear up the toe nail fungus because it's cosmetic.

Remedy Requested : I request to receive the medical treatment I have been denied.

INDIVIDUALS INVOLVED

Type	SBI #	Name
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ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : YES **Date Received by Medical Unit :** 10/24/2006
Investigation Sent : 10/24/2006 **Investigation Sent To :** Rodweller, Deborah
Grievance Amount :

DCC Delaware Correctional Center

Smyrna Landing Road

SMYRNA DE, 19977

Phone No. 302-653-9261

GRIEVANCE REPORT**OFFENDER GRIEVANCE INFORMATION**

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 85884	Grievance Date : 11/29/2006	Category : Individual
Status : Unresolved	Resolution Status :	Resol. Date :
Grievance Type: Treatment	Incident Date : 11/22/2006	Incident Time :
IGC : McCreanor, Michael	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

OFFENDER GRIEVANCE DETAILS

Description of Complaint: I am an inmate who is classified to the Special Needs Unit (SNU) for mental illnesses and behavioral issues. I've been informed that I cannot attend group activities, group therapy, or group community meetings. I am entitled to receive treatment and/or therapy like other inmates calssified to the SNU regarding active rehabilitation.

Remedy Requested : for this matter to be investigated.

INDIVIDUALS INVOLVED

Type	SBI #	Name
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ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : NO	Date Received by Medical Unit :
Investigation Sent :	Investigation Sent To : Hosterman, Ron
Grievance Amount :	

DCC Delaware Correctional Center
 Smyrna Landing Road
 SMYRNA DE, 19977
 Phone No. 302-653-9261

Date: 11/30/2006

GRIEVANCE REPORT**OFFENDER GRIEVANCE INFORMATION**

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 83927	Grievance Date : 11/08/2006	Category : Individual
Status : Unresolved	Resolution Status :	Resol. Date :
Grievance Type : Medical Staff	Incident Date : 11/03/2006	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

OFFENDER GRIEVANCE DETAILS

Description of Complaint: Inmate claims: In retaliation to my filing a complaint against Dr. Rogers, my every sick call request for constipation, athletes feet ; excessive dry skin has been ignored, while I am forced to watch other inmates called for medical treatment per their sick call request slip.

Remedy Requested : to have this matter investigated in order to factually determine why I am being denied medical treatment.

INDIVIDUALS INVOLVED

Type	SBI #	Name

ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : YES	Date Received by Medical Unit : 11/30/2006
Investigation Sent : 11/30/2006	Investigation Sent To : Rodweller, Deborah
Grievance Amount :	

DCC Delaware Correctional Center

Date: 11/28/2005

Smyrna Landing Road

SMYRNA DE, 19977

Phone No. 302-653-9261

GRIEVANCE REPORT**OFFENDER GRIEVANCE INFORMATION**

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 20618	Grievance Date : 11/12/2005	Category : Individual
Status : Unresolved	Resolution Status :	Resol. Date :
Grievance Type: Staff Issues	Incident Date : 11/12/2005	Incident Time : 10:45
IGC : Merson, Lise M	Housing Location : Bldg 19, Upper, Tier A, Cell 7, Single	

OFFENDER GRIEVANCE DETAILS

Description of Complaint: I was sprayed with capstun by Sgt. G. Everett while secured in Building 19, AU 7 because of my numerous request to speak to a Lieutenant. As a result I was transferred to the Infirmary for physical and psychiatric treatment. Today, Sgt. Everett approached my cell and made mention of making things worse by threatening to spray me again with capstun. She fabricated an allegation that I assaulted her.

Remedy Requested : An investigation by Internal Affairs to ensure that my U.S.C.A are unjustifiably violated.

INDIVIDUALS INVOLVED

Type	SBI #	Name
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ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : NO	Date Received by Medical Unit :
Investigation Sent :	Investigation Sent To : Taylor, Ramon
Grievance Amount :	

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 12/11/2006

GRIEVANCE INFORMATION - Appeal**OFFENDER GRIEVANCE INFORMATION**

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 76246	Grievance Date : 10/17/2006	Category : Individual
Status : Unresolved	Resolution Status :	Inmate Status :
Grievance Type : Health Issue (Medical)	Incident Date : 10/17/2006	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

APPEAL REQUEST

Appeal received 8 December 2006.

Inmate states: During the level (2) medical grievance hearing, there wasn't a disinterested representative present in my behalf, for which allowed the facts as I presented them to the medical grievance committee to either be ignored and or misinterpreted. Due to the denial of said medical treatment as stated in the medical grievance.

I hereby request a copy of my medical records, in order to be given the opportunity to point out the facts.

Also I seek monetary relief for nominal, punitive and exemplary damages for pain and suffering we been subjected to due to Dr. Rogers deliberate indifference towards my medical needs, for which define a violation of my 8th U.S. C. A. rights.

REMEDY REQUEST

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 12/11/2006

GRIEVANCE INFORMATION - Appeal**OFFENDER GRIEVANCE INFORMATION**

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 76247	Grievance Date : 10/17/2006	Category : Individual
Status : Unresolved	Resolution Status :	Inmate Status :
Grievance Type: Medical Staff	Incident Date : 08/21/2006	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

APPEAL REQUEST

Appeal received 8 December 2006.

Inmate states: During the level (2) grievance hearing, there wasn't a disinterested representative present in my behalf, for which allowed the facts as I presented them to the medical grievance committee to either be ignored and or misinterpreted. Due to the denial of said medical treatment as stated in the medical grievance.

I hereby request a copy of my medical records, in order to be given the opportunity to point out the facts.

Also, I seek monetary relief for nominal, punitive and exemplary damages for pain and suffering I've been subjected to, due to Dr. Rogers deliberate indifference towards my medical need, for which define a violation of my 8th U.S.C.A. rights.

REMEDY REQUEST

**DEPARTMENT OF CORRECTION
Bureau of Prisons
245 McKee Road
Dover, Delaware 19904**

March 27, 2007
~~March 27, 2007~~

**Inmate LEWIS JIMMY
SBI # 00506622
DCC Delaware Correctional Center
SMYRNA DE, 19977**

Dear JIMMY LEWIS:

We have reviewed your Grievance Case # 21065 dated 11/21/2005.

Based upon the documentation presented for our review, we deny your appeal request.

Accordingly, there is no further issue to mediate nor Outside Review necessary as provided by BOP Procedure 4.4 entitled "Inmate Grievance Procedure", Level III appeals.

Sincerely,

**Richard Kearney
Bureau Chief**

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 03/27/2007

GRIEVANCE REPORT

OFFENDER GRIEVANCE INFORMATION

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 21065	Grievance Date : 11/21/2005	Category : Individual
Status : Resolved	Resolution Status : Level 3	Resol. Date : 03/27/2007
Grievance Type: Mail	Incident Date : 11/21/2005	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

OFFENDER GRIEVANCE DETAILS

Description of Complaint: The Mail Room is holding my legal mail that I am sending to the courts for 2 weeks before it is sent out. The dilemma is that the courts often order a rapid response (within 10 days) of receiving said order to respond. The 2 week delay for my response(s) can ultimately result in my case(s) being denied or procedurally barred due to my failure to respond with said court order.

Remedy Requested : I want my legal mail to be sent out to their destinations within 24 hours of being delivered to the Mail Room.

INDIVIDUALS INVOLVED

Type	SBI #	Name

ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : NO	Date Received by Medical Unit :	
Investigation Sent :	Investigation Sent To	: Smith, Tonya
Grievance Amount :		

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 03/27/2007

INFORMAL RESOLUTION

OFFENDER GRIEVANCE INFORMATION

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 21065	Grievance Date : 11/21/2005	Category : Individual
Status : Resolved	Resolution Status : Level 3	Inmate Status :
Grievance Type : Mail	Incident Date : 11/21/2005	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

INFORMAL RESOLUTION

Investigator Name : Smith, Tonya **Date of Report** 12/09/2005

Investigation Report :

Reason for Referring:

Investigator Name : Smith, Tonya **Date of Report** 04/28/2006

Investigation Report :

Reason for Referring: Ms. Smith,
 This grievance has reached the 150 warning. Please have someone meet with the inmate for a level 1 and resolve if possible. Thank You,
 Cpl. Merson

Investigator Name : Smith, Tonya **Date of Report** 08/09/2006

Investigation Report : The DCC Mail Room is to process outgoing legal mail within 48 hours of their receipt of such mail.

Reason for Referring: Ms Smith this grievance is 9 months old and there has never been an investigation done one needs to be completed ASAP in order for a hearing to be held thank you Cpl Merson

Investigator Name : Profaci, Alisa **Date of Report** 08/18/2006

Investigation Report :

Reason for Referring: Please review with Inmate.

Investigator Name : Burris, Betty **Date of Report** 10/26/2006

Investigation Report :

Reason for Referring: As per your instructions.

Investigator Name : Smith, Tonya **Date of Report** 11/30/2006

Investigation Report :

Reason for Referring: fy action.

DCC Delaware Correctional Center
 Smyrna Landing Road
 SMYRNA DE, 19977
 Phone No. 302-653-9261

Date: 03/27/2007

GRIEVANCE INFORMATION - RGC**OFFENDER GRIEVANCE INFORMATION**

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 21065	Grievance Date : 11/21/2005	Category : Individual
Status : Resolved	Resolution Status : Level 3	Inmate Status :
Grievance Type: Mail	Incident Date : 11/21/2005	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

RGC**Date Received :** 12/26/2006**Date of Recommendation:** 01/05/2007**GRIEVANCE COMMITTEE MEMBERS**

Person Type	SBI #	Name	Vote
Inmate	00370464	NELSON, CRAIG C	Uphold
Inmate	00367132	STEVENS, RANDY W	Uphold
Staff		Schrader, Sarah	Uphold
Staff		Merson, Lise M	Uphold
Staff		McCreanor, Michael	Abstain

VOTE COUNT**Uphold :** 4**Deny :** 0**Abstain :** 1**TIE BREAKER**

Person Type	SBI #	Name	Vote
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RECOMMENDATION

Hearing held 3 January 2007.

Uphold: Sent out 9-23-06. Arrived 10-5-06. Still happening. Mail addressed to Supreme court, Dover, Delaware. Court letter states appeal was 4 days late. There is no proof I/m sent letter on 9-23-06. I/m did not address grievance dated 11-2005. I/m stated 48 hrs deadline was acceptable. I/m would not sign.

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 03/27/2007

GRIEVANCE INFORMATION - WARDEN**OFFENDER GRIEVANCE INFORMATION**

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 21065	Grievance Date : 11/21/2005	Category : Individual
Status : Resolved	Resolution Status : Level 3	Inmate Status :
Grievance Type : Mail	Incident Date : 11/21/2005	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

REFERRED TO

Due Date : _____ **Referred to:** _____ **Name:** _____
Type of Information Requested :

DECISION

Date Received : 01/05/2007
Decision Date : 03/16/2007 **Vote** : Deny
Comments : Denied. All outgoing legal mail is processed within 48 hours of the Mail Room receiving such.
cc IGC
Inmate

WARDEN / WARDEN'S DESIGNEE SIGNATURE

DATE

I WISH TO APPEAL THIS TO THE BUREAU GRIEVANCE OFFICER (B.G.O.)

YES: _____ NO: _____

GRIEVANT'S SIGNATURE

DATE

I.G.C. SIGNATURE

DATE

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 03/27/2007

GRIEVANCE INFORMATION - Appeal**OFFENDER GRIEVANCE INFORMATION**

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 21065	Grievance Date : 11/21/2005	Category : Individual
Status : Resolved	Resolution Status : Level 3	Inmate Status :
Grievance Type : Mail	Incident Date : 11/21/2005	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

APPEAL REQUEST

Appeal returned 27 March 2007.

Inmate states: As an inmate prisoner, I am allowed to utilize the pay to form #34 to cover the cost for legal mail postage; for which I must do without first knowing how much the cost of the legal mail postage will be, or exactly when the legal mail actually leaves this facility. My inmate individual account statement shows withdrawals for pay to's submitted two and three months prior, nor am I able to identify exactly who is responsible for withdrawing funds from my account. Also, I need to be able to factually verify that I have meet deadlines imposed by the courts.

REMEDY REQUEST

**DEPARTMENT OF CORRECTION
Bureau of Prisons
245 McKee Road
Dover, Delaware 19904**

~~March 27, 2007~~
March 27, 2007

23, DU-2

**Inmate LEWIS JIMMY
SBI # 00506622
DCC Delaware Correctional Center
SMYRNA DE, 19977**

Dear JIMMY LEWIS:

We have reviewed your Grievance Case # 19547 dated 10/19/2005.

Based upon the documentation presented for our review, we deny your appeal request.

Accordingly, there is no further issue to mediate nor Outside Review necessary as provided by BOP Procedure 4.4 entitled "Inmate Grievance Procedure", Level III appeals.

Sincerely,

**Richard Kearney
Bureau Chief**

DCC Delaware Correctional Center
 Smyrna Landing Road
 SMYRNA DE, 19977
 Phone No. 302-653-9261

Date: 03/27/2007

GRIEVANCE REPORT

OFFENDER GRIEVANCE INFORMATION

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 19547	Grievance Date : 10/19/2005	Category : Individual
Status : Resolved	Resolution Status : Level 3	Resol. Date : 03/27/2007
Grievance Type: Mail	Incident Date : 04/06/2005	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

OFFENDER GRIEVANCE DETAILS

Description of Complaint: Inmate claims: On April 6, 2005, Jenny Havel, support service secretary posted memorandums on the units stating that the inmate population would not be charged for postal fee's in accordance to the newly adapted policy, but yet and still I have been charged more than \$80.00 for legal mail postal fee's.

Remedy Requested : I want the legal mail postal fee's that total \$80.00 withdrawn from my account, credited back into my account. dating from April 2005 up until Sept. 2005.

INDIVIDUALS INVOLVED

Type	SBI #	Name

ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : NO	Date Received by Medical Unit :
Investigation Sent :	Investigation Sent To : Havel, Jenny
Grievance Amount :	

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 03/27/2007

INFORMAL RESOLUTION

OFFENDER GRIEVANCE INFORMATION

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 19547	Grievance Date : 10/19/2005	Category : Individual
Status : Resolved	Resolution Status: Level 3	Inmate Status :
Grievance Type: Mail	Incident Date : 04/06/2005	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

INFORMAL RESOLUTION

Investigator Name : Havel, Jenny	Date of Report 11/01/2005
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Investigation Report :

Reason for Referring:

Investigator Name : Smith, Tonya	Date of Report 04/04/2006
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Investigation Report :

Reason for Referring: Ms. Smith,
This grievance has reached the 150 warning. Thank You,
Cpl Merson.

Investigator Name : Smith, Tonya	Date of Report 08/09/2006
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Investigation Report : Attached are Inmate Lewis' account statements from April 2005- through June 2006. Postage is still paid for by the inmates. If funds are available on the inmate's account, the account is charged immediately. If funds are not available, a hold is placed on the account and the fees are taken as funds become available.

Reason for Referring: Ms Smith this grievance is 10 months old and there has never been an investigation done one needs to be completed ASAP in order for a hearing to be held thank you Cpl Merson

Offender's Signature: _____

Date : _____

Witness (Officer) : _____

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 03/27/2007

GRIEVANCE INFORMATION - RGC**OFFENDER GRIEVANCE INFORMATION**

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 19547	Grievance Date : 10/19/2005	Category : Individual
Status : Resolved	Resolution Status : Level 3	Inmate Status :
Grievance Type: Mail	Incident Date : 04/06/2005	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

RGC**Date Received :** 10/23/2006**Date of Recommendation:** 12/11/2006**GRIEVANCE COMMITTEE MEMBERS**

Person Type	SBI #	Name	Vote
Inmate	00333101	BROKENBROUGH, RORY L	Uphold
Inmate	00367132	STEVENS, RANDY W	Uphold
Staff		Kramer, William	Deny
Staff		Merson, Lise M	Deny

VOTE COUNT**Uphold :** 2**Deny :** 3**Abstain :** 0**TIE BREAKER**

Person Type	SBI #	Name	Vote
Staff		McCreanor, Michael	Deny

RECOMMENDATION

Hearing held 4 December 2006.

Deny: Postage is paid by inmates. I/M brought 1 page of old housing rule stating "state shall pay legal mail". I/M feels all money should not be paid when he receives money orders. Feels 20 - 30 % should be taken.

DCC Delaware Correctional Center
 Smyrna Landing Road
 SMYRNA DE, 19977
 Phone No. 302-653-9261

Date: 03/27/2007

GRIEVANCE INFORMATION - WARDEN**OFFENDER GRIEVANCE INFORMATION**

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 19547	Grievance Date : 10/19/2005	Category : Individual
Status : Resolved	Resolution Status : Level 3	Inmate Status :
Grievance Type : Mail	Incident Date : 04/06/2005	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

REFERRED TO

Due Date : _____ **Referred to:** _____ **Name:** _____
Type of Information Requested : _____

DECISION

Date Received : 12/11/2006
Decision Date : 03/16/2007 **Vote** : Deny
Comments : Denied. Since January 2004, inmates are required to pay all general and legal mail postage fees. There are no provisions for only percentages of the funds due to the state of Delaware for postage to be taken from the inmate's account. If funds are due to the state, all funds are deducted from the inmate's account as the funds are received until the debt is satisfied.

cc IGC
 Inmate

WARDEN / WARDEN'S DESIGNEE SIGNATURE

DATE

I WISH TO APPEAL THIS TO THE BUREAU GRIEVANCE OFFICER (B.G.O.)

YES: _____ NO: _____

GRIEVANT'S SIGNATURE

DATE

I.G.C. SIGNATURE

DATE

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 03/27/2007

GRIEVANCE INFORMATION - Appeal**OFFENDER GRIEVANCE INFORMATION**

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 19547	Grievance Date : 10/19/2005	Category : Individual
Status : Resolved	Resolution Status : Level 3	Inmate Status :
Grievance Type : Mail	Incident Date : 04/06/2005	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

APPEAL REQUEST

Appeal returned 27 March 2007.

Inmate states: It is cruel and unusual for me not to be able to utilize a percentage of the fund I receive in order to purchase commissary items such as hygiene products, food, lock, sneakers, Long Johns etc like other inmate prisoners! To deny my request for relief in this matter, is synonymous to my having to choose either petitioning to the courts or living as an indigent vagabond.

REMEDY REQUEST

DEPARTMENT OF CORRECTION
Bureau of Prisons
245 McKee Road
Dover, Delaware 19904

February 16, 2007
~~December 29, 2006~~

23, DU-2

Inmate LEWIS JIMMY
SBI # 00506622
DCC Delaware Correctional Center
SMYRNA DE, 19977

Dear JIMMY LEWIS:

We have reviewed your Grievance Case # 76247 dated 10/17/2006.

Based upon the documentation presented for our review, we deny your appeal request.

Accordingly, there is no further issue to mediate nor Outside Review necessary as provided by BOP Procedure 4.4 entitled "Inmate Grievance Procedure", Level III appeals.

Sincerely,

Richard Kearney
Bureau Chief

DCC Delaware Correctional Center
 Smyrna Landing Road
 SMYRNA DE, 19977
 Phone No. 302-653-9261

Date: 02/16/2007

GRIEVANCE REPORT

OFFENDER GRIEVANCE INFORMATION

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 76247	Grievance Date : 10/17/2006	Category : Individual
Status : Resolved	Resolution Status : Level 3	Resol. Date : 02/16/2007
Grievance Type: Medical Staff	Incident Date : 08/21/2006	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

OFFENDER GRIEVANCE DETAILS

Description of Complaint: Inmate claims: On 8/22/06 my left hand was x-rayed for which revealed my pinky finger was fractured. the x-ray tech Mary Blades informed the male doctor who was working in the infirmary that day and subsequently Dr. Rogers was notified but nothing was done. Two weeks thereafter I was sent out to a hand doctor, who scheduled me to return, unbeknownst to me, two week thereafter for surgery, but the fracture had already begun to heal.

Remedy Requested : I want to know exactly who is responsible for it taking so long for me to receive medical treatment, due to it being undoubtedly known that I was in pain because my left pinky finger was broken.

INDIVIDUALS INVOLVED

Type	SBI #	Name

ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : YES	Date Received by Medical Unit : 10/24/2006
Investigation Sent : 10/24/2006	Investigation Sent To : Rodweller, Deborah
Grievance Amount :	

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 02/16/2007

INFORMAL RESOLUTION**OFFENDER GRIEVANCE INFORMATION**

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 76247	Grievance Date : 10/17/2006	Category : Individual
Status : Resolved	Resolution Status: Level 3	Inmate Status :
Grievance Type: Medical Staff	Incident Date : 08/21/2006	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

INFORMAL RESOLUTION**Investigator Name :** Rodweller, Deborah**Date of Report :** 10/24/2006

Investigation Report : -PER DR RODGER'S PROGRESS NOTE, I/M HAS A DISPLACED AVULSION FRACTURE OF THE 5TH FINGER. I/M WAS APPROVED TO HAVE SURGERY BY ORTHO, HOWEVER I/M REFUSED APPT FOR SURG ON 10-4-06

Reason for Referring:**Investigator Name :** Eller, Gail**Date of Report :** 12/12/2006

Investigation Report : 10/4/06 inmate refused surgery to fix finger.

Reason for Referring:**Offender's Signature:** _____**Date :** _____**Witness (Officer) :** _____

DCC Delaware Correctional Center
 Smyrna Landing Road
 SMYRNA DE, 19977
 Phone No. 302-653-9261

Date: 02/16/2007

GRIEVANCE INFORMATION - IGC**OFFENDER GRIEVANCE INFORMATION**

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 76247	Grievance Date : 10/17/2006	Category : Individual
Status : Resolved	Resolution Status : Level 3	Inmate Status :
Grievance Type : Medical Staff	Incident Date : 08/21/2006	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

IGC**Medical Provider:****Date Assigned****Comments:**☒ Forward to MGC☐ Forward to Medical Provider☐ Warden Notified☐ Forward to RGC**Date Forwarded to MGC** : 11/13/2006☐ Offender Signature Captured**Date Offender Signed** :

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 02/16/2007

GRIEVANCE INFORMATION - Appeal**OFFENDER GRIEVANCE INFORMATION**

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 76247	Grievance Date : 10/17/2006	Category : Individual
Status : Resolved	Resolution Status : Level 3	Inmate Status :
Grievance Type: Medical Staff	Incident Date : 08/21/2006	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

APPEAL REQUEST

Appeal received 8 December 2006.

Inmate states: During the level (2) grievance hearing, there wasn't a disinterested representative present in my behalf, for which allowed the facts as I presented them to the medical grievance committee to either be ignored and or misinterpreted. Due to the denial of said medical treatment as stated in the medical grievance.

I hereby request a copy of my medical records, in order to be given the opportunity to point out the facts.

Also, I seek monetary relief for nominal , punitive and exemplary damages for pain and suffering I've been subjected to, due to Dr. Rogers deliberate indifference towards my medical need, for which define a violation of my 8th U.S.C.A. rights.

REMEDY REQUEST

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 02/16/2007

GRIEVANCE INFORMATION - BGO**OFFENDER GRIEVANCE INFORMATION**

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 76247	Grievance Date : 10/17/2006	Category : Individual
Status : Resolved	Resolution Status : Level 3	Inmate Status :
Grievance Type: Medical Staff	Incident Date : 08/21/2006	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

REFERRED TO

Due Date : 12/26/2006 **Referred to:** Person **Name:** Welch, James

Type of Information Requested :

Grievant takes issue with timeliness of Treatment for broken finger.

DECISION

Date Received : 12/11/2006

Decision Date : 12/29/2006

Vote : Deny

Comments :

Inmate refused treatment. The grievance process is not the appropriate mechanism to seek financial damages. Inmate should follow procedures and submit a sick call requesting to review medical record.

**DEPARTMENT OF CORRECTION
Bureau of Prisons
245 McKee Road
Dover, Delaware 19904**

February 16, 2007
~~December 29, 2006~~

**Inmate LEWIS JIMMY
SBI # 00506622
DCC Delaware Correctional Center
SMYRNA DE, 19977**

Dear JIMMY LEWIS:

We have reviewed your Grievance Case # 76246 dated 10/17/2006.

Based upon the documentation presented for our review, we uphold your appeal request.

Accordingly, there is no further issue to mediate nor Outside Review necessary as provided by BOP Procedure 4.4 entitled "Inmate Grievance Procedure", Level III appeals.

Sincerely,

**Richard Kearney
Bureau Chief**

DCC Delaware Correctional Center
 Smyrna Landing Road
 SMYRNA DE, 19977
 Phone No. 302-653-9261

Date: 02/16/2007

GRIEVANCE REPORT

OFFENDER GRIEVANCE INFORMATION

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 76246	Grievance Date : 10/17/2006	Category : Individual
Status : Resolved	Resolution Status : Level 3	Resol. Date : 02/16/2007
Grievance Type: Health Issue (Medical)	Incident Date : 10/17/2006	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

OFFENDER GRIEVANCE DETAILS

Description of Complaint: Inmate claims: I have toe nail fungus, that has cause my toe nails to rot. When I clip my toe nails, it hurts and bleeds because the fungus is at the root of my toe nails. This fungus is so bad that my toe nail crumbles when I clip them. Initially this wasn't the case, but the more time that passes, the worse it becomes. I have filed numerous sick call slips, PA Ott and Dr. Rogers both told me that nothing could be prescribed to help clear up the toe nail fungus because it's cosmetic.

Remedy Requested : I request to receive the medical treatment I have been denied.

INDIVIDUALS INVOLVED

Type	SBI #	Name

ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : YES	Date Received by Medical Unit : 10/24/2006
Investigation Sent : 10/24/2006	Investigation Sent To : Rodweller, Deborah
Grievance Amount :	

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 02/16/2007

INFORMAL RESOLUTION**OFFENDER GRIEVANCE INFORMATION**

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 76246	Grievance Date : 10/17/2006	Category : Individual
Status : Resolved	Resolution Status: Level 3	Inmate Status :
Grievance Type: Health Issue (Medical)	Incident Date : 10/17/2006	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

INFORMAL RESOLUTION**Investigator Name :** Rodweller, Deborah **Date of Report :** 10/24/2006**Investigation Report :** -NO SICK CALL SLIPS FOUND IN CHART RE: NAIL FUNGUS**Reason for Referring:****Investigator Name :** Eller, Gail **Date of Report :** 12/12/2006**Investigation Report :** Inmate to put in request to see MD for possible fungus of toes, schedule to see MD or NP about possible fungus as inmate states.**Reason for Referring:****Offender's Signature:** _____**Date :** _____**Witness (Officer) :** _____

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 02/16/2007

GRIEVANCE INFORMATION - IGC**OFFENDER GRIEVANCE INFORMATION**

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 76246	Grievance Date : 10/17/2006	Category : Individual
Status : Resolved	Resolution Status : Level 3	Inmate Status :
Grievance Type: Health Issue (Medical)	Incident Date : 10/17/2006	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

IGC

Medical Provider:

Date Assigned

Comments:

☒ Forward to MGC☐ Forward to Medical Provider☐ Warden Notified☐ Forward to RGC

Date Forwarded to MGC : 11/13/2006

☐ Offender Signature Captured

Date Offender Signed :

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 02/16/2007

GRIEVANCE INFORMATION - Appeal**OFFENDER GRIEVANCE INFORMATION**

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 76246	Grievance Date : 10/17/2006	Category : Individual
Status : Resolved	Resolution Status : Level 3	Inmate Status :
Grievance Type: Health Issue (Medical)	Incident Date : 10/17/2006	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

APPEAL REQUEST

Appeal received 8 December 2006.

Inmate states: During the level (2) medical grievance hearing, there wasn't a disinterested representative present in my behalf, for which allowed the facts as I presented them to the medical grievance committee to either be ignored and or misinterpreted. Due to the denial of said medical treatment as stated in the medical grievance.

I hereby request a copy of my medical records, in order to be given the opportunity to point out the facts.

Also I seek monetary relief for nominal, punitive and exemplary damages for pain and suffering we been subjected to due to Dr. Rogers deliberate indifference towards my medical needs, for which define a violation of my 8th U.S. C. A. rights.

REMEDY REQUEST

DCC Delaware Correctional Center
 Smyrna Landing Road
 SMYRNA DE, 19977
 Phone No. 302-653-9261

Date: 02/16/2007

GRIEVANCE INFORMATION - BGO

OFFENDER GRIEVANCE INFORMATION

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 76246	Grievance Date : 10/17/2006	Category : Individual
Status : Resolved	Resolution Status : Level 3	Inmate Status :
Grievance Type: Health Issue (Medical)	Incident Date : 10/17/2006	Incident Time :
IGC : Merson, Lise M	Housing Location : Bldg 23, Upper, Tier D, Cell 2, Bottom	

REFERRED TO

Due Date : Referred to: Name:

Type of Information Requested :

DECISION

Date Received : 12/11/2006

Decision Date : 12/29/2006

Vote : Uphold

Comments :

Medical to evaluate need for treatment of fungus. I/M should follow procedure and submit a sick call requesting to review medical record. Grievance process is not the mechanism to request financial damages.

FORM #584

GRIEVANCE FORM

10.5.05

FACILITY: D.C.C DATE: 7/4/05
 GRIEVANT'S NAME: Jimmie Lewis SBI#: 506622
 CASE#: 18243 TIME OF INCIDENT: 7/4/05
 HOUSING UNIT: Build 19, D-12-U

BRIEFLY STATE THE REASON FOR THIS GRIEVANCE. GIVE DATES AND NAMES OF OTHERS INVOLVED IN THE INCIDENT OR ANY WITNESSES.

I AM CLASSIFIED TO LEVEL 2, FOR WHICH INTITLES FOR ME TO BE ASSIGNED A TELEVISION. I HAVE BEEN HERE IN THE S.H.U FOR 3 MONTHS AND I STILL HAVE NOT BE ASSIGNED A TELEVISION. I HAVE VERBALLY REQUEST ON NUMEROUS DIFFERENT OCCASSIONS, AS WELL AS SUBMITTED WRITTEN REQUEST TO LT. SEACORD, SGT THOMAS, WARDEN THOMAS CARROLL, DEPUTY WARDEN BETTY BURRIS, AS WELL AS TO COUNSELOR TOM ZANDA, BUT TO NO AVAIL?

ACTION REQUESTED BY GRIEVANT: I REQUEST TO BE ASSIGNED A TELEVISION, A.S.A.P. OR BE ALLOWED TO PURCHASE MY OWN

GRIEVANT'S SIGNATURE: Jimmie Lewis DATE: 7/4/05

WAS AN INFORMAL RESOLUTION ACCEPTED? _____ (YES) _____ (NO)

RECEIVED

JUL 05 2005

(COMPLETE ONLY IF RESOLVED PRIOR TO HEARING)

Inmate Grievance Office

GRIEVANT'S SIGNATURE: _____ DATE: _____

IF UNRESOLVED, YOU ARE ENTITLED TO A HEARING BY THE RESIDENT GRIEVANCE COMMITTEE.

cc: INSTITUTION FILE
 GRIEVANT

FORM #584

GRIEVANCE FORMFACILITY: D.C.C.DATE: 10/24/06GRIEVANT'S NAME: JIMMIE LEWISSBI#: 506622CASE#: 80265TIME OF INCIDENT: 10/24/06HOUSING UNIT: BLD 17, C-U-1

BRIEFLY STATE THE REASON FOR THIS GRIEVANCE. GIVE DATES AND NAMES OF OTHERS INVOLVED IN THE INCIDENT OR ANY WITNESSES.

BECAUSE I OWE D.C.C. \$275.00 FOR POSTAL
 FEE'S I HAVE NOT BEEN ABLE TO PURCHASE
 HYGIENE PRODUCTS SUCH AS DEODORANT LOTION
 AFTER SHAVE, TOOTHPASTE, SHAMPOO, SOAP.
 MY REQUEST TO THOMAS CARROL, BETTY BURRIS,
 AND DEPUTY WARDEN PIERCE HAVE ALL GONE UNANSWERED
 I HAVE ALSO REQUESTED SAID HYGIENE PRODUCTS
 FROM THE COMMISSARY OFFICER ANDREWS, BUT TO NO AVAIL.
 BEING DENIED SAID HYGIENE PRODUCTS VIOLATES MY 8TH
 U.S.C.A RIGHTS.

ACTION REQUESTED BY GRIEVANT: I WANT THIS MATTER TO BE
INVESTIGATED SO THAT I CAN LIVE IN ACCORDANCE TO
DECENT HUMANE STANDARD

GRIEVANT'S SIGNATURE: Jimmie LewisDATE: 10/24/06

WAS AN INFORMAL RESOLUTION ACCEPTED?

 (YES) (NO)

(COMPLETE ONLY IF RESOLVED PRIOR TO HEARING)

GRIEVANT'S SIGNATURE: _____

DATE: _____

Inmate Grievance Unit

IF UNRESOLVED, YOU ARE ENTITLED TO A HEARING BY THE RESIDENT GRIEVANCE COMMITTEE.

cc: INSTITUTION FILE
GRIEVANT

FORM #585

MEDICAL GRIEVANCE

FACILITY: D.C.C
 INMATE'S NAME: JIMMIE LEWIS
 HOUSING UNIT: BUD 17, C-U-1

DATE SUBMITTED: 10/24/06
 SBI#: 506622
 CASE #: 80283

SECTION #1

DATE & TIME OF MEDICAL INCIDENT: 10/24/06

TYPE OF MEDICAL PROBLEM:

ON AUG 30, 06 I WAS TRANSFERRED FROM THE MENTAL HEALTH UNIT BUILDING 23, D-U-2, TO THE WHOLE FOR A DISCIPLINARY INFRACTION, ON THE SAME DAY I ATTEMPTED TO COMMIT SUICIDE BUT WAS UNSUCCESSFUL, AND ~~WAS~~ WAS TRANSFERRED TO THE INFIRMARY. AFTER BEING DISCHARGED FROM THE INFIRMARY I WAS TRANSFERRED TO THE SITU ~~THREAT~~ ~~THREAT~~ THE D.C.C MENTAL HEALTH STAFF AND OFFICIALS KNOW THAT MY ATTEMPTING SUICIDE WAS DUE TO MATTER RELATED TO MY BEING PLACED INTO THE SITU.

GRIEVANT'S SIGNATURE: Jimmie Lewis DATE: 10/24/06

ACTION REQUESTED BY GRIEVANT: I WANT TO KNOW WHO IS RESPONSIBLE FOR MY NOT RECEIVING PROPER MENTAL HEALTH TREATMENT REGARDING SAID ISSUES, AND I WOULD ALSO REQUEST TO BE TRANSFERRED BACK TO BUD 23, THE MENTAL HEALTH UNIT.

DATE RECEIVED BY MEDICAL UNIT: _____

RECEIVED

OCT 26 2006

NOTE: EMERGENCY MEDICAL CONDITIONS WILL TAKE PRIORITY. OTHERWISE, MEDICAL GRIEVANCES WILL BE ADDRESSED AT THE WEEKLY MEDICAL COMMITTEE MEETING.

Instructions for Submitting a Regular Grievance

Inmates are required, per DOC Procedure 4.4 [Inmate Grievance Procedure] to attempt to resolve complaints prior to filing a regular grievance. Grievances are to be submitted within seven(7) days from the date of the occurrence or incident or within seven days after the inmate became aware of the incident. The grievance is to be placed in the grievance box located in each housing unit.

Only one issue per grievance form will be addressed. If the grievance is submitted on a weekend or a holiday, it will be recieved during the next working day.

Return of Unprocessed Grievance

Intake Action: This Grievance Form is being returned to the inmate under the provisions outlined in DOC Procedure 4.4 "Inmate Grievance Procedure" for the following reason(s):

Vulgar/Abusive or Threatening Language. The language that is unacceptable has been highlighted. The grievance may be resubmitted omitting this language.

Non-Grievable. This issue has been defined as non-grievable in accordance with DOC Policy 4.4. These procedures have their own appeal process that must be followed. Disciplinary Action Parole Decision
Classification Action

Request. Requests are not processed through the grievance procedure. Please correspond with the appropriate office to secure the information that is requested.

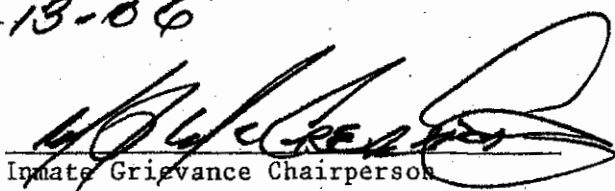
Duplicate Grievance(s). This issue has been addressed previously in Grievance # _____.

Original Grievances must be submitted to the Inmate Grievance Chairperson. Photocopies are not accepted.

Inquiry on behalf of other inmates. Inmates cannot submit grievances for other inmates.

☒ Expired filing period. Grievance exceeds seven(7) days from date of occurrence.

INMATES WHO ATTEMPT SUICIDE ARE SEEN BY MENTAL HEALTH. NO INMATE IS REMOVED FROM SUICIDE WATCH UNTIL CLEARED BY MENTAL HEALTH. YOU WERE MOVED TO B106 18 ON 9-13-06


Inmate Grievance Chairperson

11-9-06
Date

FACILITY: D.C.C.DATE SUBMITTED: 8/29/06INMATE'S NAME: JIMMIE LEWISSBI#: 506622HOUSING UNIT: ~~BLD 23, D-4-2~~ NOD
23CASE #: 68839

SECTION #1

DATE & TIME OF MEDICAL INCIDENT: 8/29/06

TYPE OF MEDICAL PROBLEM:

WHILE IVE BEEN PRESCRIBED TO BE IN THE INFIRMARY ON PCOTII STATUS, AND OR ON D-UNIT BLD 23, THE MENTAL HEALTH UNIT, D.C.C. CORRECTIONAL OFFICERS TOOMEY, R. VARGAS, C/O WHITE, GONZALEZ AND SGT CAIN HAVE EITHER REPEATEDLY INTERFERED AND OR WROTE ME UP FOR DISCIPLINARY VIOLATION WHEN MY MENTAL ILLNESSES WERE DIRECTLY RESPONSIBLE, WITHOUT CONSULTING WITH THE MENTAL HEALTH STAFF FOR THE APPROPRIATE MENTAL HEALTH TREATMENT FOR WHICH DEFINES DELIBERATE INDIFFERENCE, VIOLATIONS OF 11 DELCS, 6525, 6523, 6531, 6536, WITH VIOLATIONS OF MY 8TH & 14TH U.S.C.A RIGHTS. FOR WHICH RESULTED IN THE PAIN AND SUFFERING OF RELAPSING AS WELL AS ATYPICAL AND SIGNIFICANT HARDSHIP.

GRIEVANT'S SIGNATURE: Jimmie LewisDATE: 8/29/06ACTION REQUESTED BY GRIEVANT: TO HAVE CORRECTIONAL OFFICER PLACED OND-UNIT WHO ARE TRAINED IN MENTAL HEALTH CARE, WHO DONT INTERFERE WITH MY MENTAL HEALTH TREATMENT

DATE RECEIVED BY MEDICAL UNIT: _____

NOTE: EMERGENCY MEDICAL CONDITIONS WILL TAKE PRIORITY. OTHERWISE, MEDICAL GRIEVANCES WILL BE ADDRESSED AT THE WEEKLY MEDICAL COMMITTEE MEETING.

RECEIVED

SEP 05 2006

Inmate Grievance Office

Instructions for Submitting a Regular Grievance

Inmates are required, per DOC Procedure 4.4 [Inmate Grievance Procedure] to attempt to resolve complaints prior to filing a regular grievance. Grievances are to be submitted within seven(7) days from the date of the occurrence or incident or within seven days after the inmate became aware of the incident. The grievance is to be placed in the grievance box located in each housing unit.

Only one issue per grievance form will be addressed. If the grievance is submitted on a weekend or a holiday, it will be received during the next working day.

Return of Unprocessed Grievance

Intake Action: This Grievance Form is being returned to the inmate under the provisions outlined in DOC Procedure 4.4 "Inmate Grievance Procedure" for the following reason(s):

Vulgar/Abusive or Threatening Language. The language that is unacceptable has been highlighted. The grievance may be resubmitted omitting this language.

Non-Grievable. This issue has been defined as non-grievable in accordance with DOC Policy 4.4. These procedures have their own appeal process that must be followed. Disciplinary Action Parole Decision
Classification Action

Request. Requests are not processed through the grievance procedure. Please correspond with the appropriate office to secure the information that is requested.

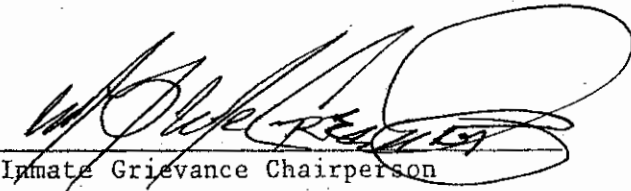
Duplicate Grievance(s). This issue has been addressed previously in Grievance # _____.

Original Grievances must be submitted to the Inmate Grievance Chairperson. Photocopies are not accepted.

Inquiry on behalf of other inmates. Inmates cannot submit grievances for other inmates.

Expired filing period. Grievance exceeds seven(7) days from date of occurrence.

*MENTAL HEALTH ISSUES DO NOT ABSOLVE YOU
FROM ABIDING WITH THE HOUSING RULES*


Inmate Grievance Chairperson

9-19-06
Date

Grievance Appeal Form

This must be completed and returned to the IGC within 3 days of receipt of the Warden/Designee/MGC Decision. This form is to be returned via the Grievance Box.

This form is to be used Only in the event of a decision appeal. Please specify the reason for the appeal in the space below.

Grievant: Jimmie Lewis

SBI#: 506622

Housing Unit: BLD 23, D-U-2

Case#: 76246

Date: 12-7-06

Due Date: 12-14-06

DURING THE LEVEL (2) MEDICAL GRIEVANCE HEARING, THERE WASN'T A DISINTERESTED REPRESENTATIVE PRESENT IN MY BEHALF, FOR WHICH ALLOWED THE FACTS AS I PRESENTED THEM TO THE MEDICAL GRIEVANCE COMMITTEE TO EITHER BE IGNORED AND OR MISINTERPRETED. DUE TO THE DENIAL OF SAID MEDICAL TREATMENT AS STATED IN THE MEDICAL GRIEVANCE.

I HEREBY REQUEST A COPY OF MY MEDICAL RECORDS, IN ORDER TO BE GIVEN THE OPPORTUNITY TO POINT OUT THE FACTS.

ALSO, I SEEK MONETARY RELIEF FOR NOMINAL, PUNITIVE AND EXEMPLATORY DAMAGES FOR PAIN AND SUFFERING WE BEEN SUBJECTED TO DUE TO DR. ROGERS DELIBERATE INDIFFERENCE TOWARDS MY MEDICAL NEEDS, FOR WHICH DEFINE A VIOLATION OF MY 8TH U.S.C.A RIGHTS.

Jimmie Lewis
INMATE SIGNATURE

Grievance Appeal Form

This must be completed and returned to the IGC within 3 days of receipt of the Warden/Designee/MGC Decision. This form is to be returned via the Grievance Box.

This form is to be used Only in the event of a decision appeal. Please specify the reason for the appeal in the space below.

Grievant: Jimmie Lewis SBI#: 506622

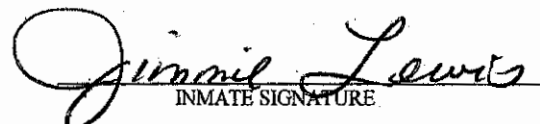
Housing Unit: BLD 23, D-U-2 Case#: 16247

Date: 12-7-06 Due Date: 12-14-06

DURING THE LEVEL (2) GRIEVANCE HEARING, THERE WASN'T
A DISINTERESTED REPRESENTATIVE PRESENT IN MY BEHALF,
FOR WHICH ALLOWED THE FACTS AS I PRESENTED THEM TO THE
MEDICAL GRIEVANCE COMMITTEE TO EITHER BE IGNORED AND OR
MISINTERPRETED. DUE TO THE DENIAL OF SAID MEDICAL
TREATMENT AS STATED IN THE MEDICAL GRIEVANCE.

I HEREBY REQUEST A COPY OF MY MEDICAL
RECORDS, IN ORDER TO BE GIVEN THE OPPORTUNITY TO POINT
OUT THE FACTS.

ALSO, I SEEK MONETARY RELIEF FOR NOMINAL,
PUNITIVE AND EXEMPLATORY DAMAGES FOR PAIN AND
SUFFERING IVE BEEN SUBJECTED TO, DUE TO DR. ROGERS
DELIBERATE INDIFFERENCE TOWARDS MY MEDICAL NEED,
FOR WHICH DEFINE A VIOLATION OF MY 8TH U.S.C.A
RIGHTS.


 INMATE SIGNATURE

GRIEVANCE REPORT**OFFENDER GRIEVANCE INFORMATION**

Offender Name : LEWIS, JIMMY	SBI# : 00506622	Institution : DCC
Grievance # : 20618	Grievance Date : 11/12/2005	Category : Individual
Status : Unresolved	Resolution Status :	Resol. Date :
Grievance Type: Staff Issues	Incident Date : 11/12/2005	Incident Time : 10:45
IGC : Merson, Lise M	Housing Location : Bldg 19, Upper, Tier A, Cell 7, Single	

OFFENDER GRIEVANCE DETAILS

Description of Complaint: I was sprayed with capstun by Sgt. G. Everett while secured in Building 19, AU 7 because of my numerous request to speak to a Lieutenant. As a result I was transferred to the Infirmary for physical and psychiatric treatment. Today, Sgt. Everett approached my cell and made mention of making things worse by threatening to spray me again with capstun. She fabricated an allegation that I assaulted her.

Remedy Requested : An investigation by Internal Affairs to ensure that my U.S.C.A are unjustifiably violated.

INDIVIDUALS INVOLVED

Type	SBI #	Name
------	-------	------

ADDITIONAL GRIEVANCE INFORMATION

Medical Grievance : NO	Date Received by Medical Unit :
Investigation Sent :	Investigation Sent To : Taylor, Ramon
Grievance Amount :	

FORM #584

GRIEVANCE FORM

FACILITY: D. C. C DATE: 1/05/07
 GRIEVANT'S NAME: Jimmie Lewis SBI#: 506622
 CASE#: 97903 TIME OF INCIDENT: _____
 HOUSING UNIT: MH423, 0-4-2

BRIEFLY STATE THE REASON FOR THIS GRIEVANCE. GIVE DATES AND NAMES OF OTHERS INVOLVED IN THE INCIDENT OR ANY WITNESSES.

BRIAN ENGRAM HAS REPEATEDLY DENIED
ME LAW LIBRARY AND OR LEGAL MATERIAL
ACCESS ON NUMEROUS OCCASIONS FOR WHICH
HAS CAUSED ME NUMEROUS DILEMMAS
WITH THE SUPERIOR COURT, SUPREME COURT
AS WELL AS WITH THE UNITED STATES
DISTRICT COURT. BRIAN ENGRAMS ACTIONS
DEFINE A VIOLATION OF MY 1ST UNITED STATES
CONSTITUTIONAL RIGHTS, SEE GRIEVANCE #16149
DATED 7/31/05.

ACTION REQUESTED BY GRIEVANT: FOR THIS MATTER TO BE
INVESTIGATED.

GRIEVANT'S SIGNATURE: Jimmie Lewis DATE: 1/05/07

WAS AN INFORMAL RESOLUTION ACCEPTED? _____ (YES) _____ (NO)

(COMPLETE ONLY IF RESOLVED PRIOR TO HEARING)

GRIEVANT'S SIGNATURE: _____ DATE: _____

IF UNRESOLVED, YOU ARE ENTITLED TO A HEARING BY THE RESIDENT GRIEVANCE COMMITTEE.

cc: INSTITUTION FILE
 GRIEVANT

RECEIVED

JAN 17 2007

April '97 REV

Inmate Grievance Office

FACILITY: D.C.CDATE SUBMITTED: 8/29/06INMATE'S NAME: Jimmie LewisSBI#: 506622HOUSING UNIT: ~~BLD 23, D-2~~ NOD
23CASE #: 68839

SECTION #1

DATE & TIME OF MEDICAL INCIDENT: 8/29/06

TYPE OF MEDICAL PROBLEM:

WHILE IVE BEEN PRESCRIBED TO BE IN THE INFIRMARY ON PCOII STATUS, AND OR ON D-UNIT BLD 23, THE MENTAL HEALTH UNIT, D.C.C CORRECTIONAL OFFICERS TOOMEY, R. VARGAS, % WHITE, GONZALEZ AND SGT CAIN HAVE EITHER REPEATEDLY INTERFERED AND OR WROTE ME UP FOR DISCIPLINARY VIOLATION WHEN MY MENTAL ILLNESSES WERE DIRECTLY RESPONSIBLE, WITHOUT CONSULTING WITH THE MENTAL HEALTH STAFF FOR THE APPROPRIATE MENTAL HEALTH TREATMENT FOR WHICH DEFINES DELIBERATE INDIFFERENCE, VIOLATIONS OF 11 DELCS, 6525, 6523, 6531, 6536, AND VIOLATIONS OF MY 8TH & 14TH U.S.C.A RIGHTS. FOR WHICH RESULTED IN THE PAIN AND SUFFERING OF RELAPSING AS WELL AS ATYPICAL AND SIGNIFICANT HARDSHIP.

GRIEVANT'S SIGNATURE: Jimmie LewisDATE: 8/29/06ACTION REQUESTED BY GRIEVANT: TO HAVE CORRECTIONAL OFFICER PLACED ON

D-UNIT WHO ARE TRAINED IN MENTAL HEALTH CARE, WHO DONT INTERFERE
WITH MY MENTAL HEALTH TREATMENT

DATE RECEIVED BY MEDICAL UNIT: _____

NOTE: EMERGENCY MEDICAL CONDITIONS WILL TAKE PRIORITY. OTHERWISE, MEDICAL GRIEVANCES WILL BE ADDRESSED AT THE WEEKLY MEDICAL COMMITTEE MEETING.

RECEIVED

SEP 05 2006

Inmate Grievance Office

Instructions for Submitting a Regular Grievance

Inmates are required, per DOC Procedure 4.4 [Inmate Grievance Procedure] to attempt to resolve complaints prior to filing a regular grievance. Grievances are to be submitted within seven(7) days from the date of the occurrence or incident or within seven days after the inmate became aware of the incident. The grievance is to be placed in the grievance box located in each housing unit.

Only one issue per grievance form will be addressed. If the grievance is submitted on a weekend or a holiday, it will be received during the next working day.

Return of Unprocessed Grievance

Intake Action: This Grievance Form is being returned to the inmate under the provisions outlined in DOC Procedure 4.4 "Inmate Grievance Procedure" for the following reason(s):

Vulgar/Abusive or Threatening Language. The language that is unacceptable has been highlighted. The grievance may be resubmitted omitting this language.

Non-Grievable. This issue has been defined as non-grievable in accordance with DOC Policy 4.4. These procedures have their own appeal process that must be followed. Disciplinary Action Parole Decision
Classification Action

Request. Requests are not processed through the grievance procedure. Please correspond with the appropriate office to secure the information that is requested.


Duplicate Grievance(s). This issue has been addressed previously in Grievance # _____.

Original Grievances must be submitted to the Inmate Grievance Chairperson. Photocopies are not accepted.

Inquiry on behalf of other inmates. Inmates cannot submit grievances for other inmates.

Expired filing period. Grievance exceeds seven(7) days from date of occurrence.

*MENTAL HEALTH ISSUES DO NOT ABSOLVE YOU
FROM ABIDING WITH THE HOUSING RULES*


Inmate Grievance Chairperson

8-19-06
Date

FORM #585

MEDICAL GRIEVANCEFACILITY: D.C.CDATE SUBMITTED: 10/24/06INMATE'S NAME: JIMMIE LEWISSBI#: 506622HOUSING UNIT: BUD 17, C-U-1CASE #: 80283

SECTION #1

DATE & TIME OF MEDICAL INCIDENT: 10/24/06

TYPE OF MEDICAL PROBLEM:

ON AUG 30, 06 I WAS TRANSFERRED FROM THE MENTAL HEALTH UNIT BUILDING 23, D-U-2, TO THE WHOLE FOR A DISCIPLINARY INFRACTION, ON THE SAME DAY I ATTEMPTED TO COMMIT SUICIDE BUT WAS UNBUCLESSFUL, AND ~~WAS~~ WAS TRANSFERRED TO THE INFIRMARY. AFTER BEING DISCHARGED FROM THE INFIRMARY I WAS TRANSFERRED TO THE SITU ~~THUWUKE~~ THE D.C.C MENTAL HEALTH STAFF AND OFFICIALS KNOW THAT MY ATTEMPTING SUICIDE WAS DUE TO MATTER RELATED TO MY BEING PLACED INTO THE SITU.

GRIEVANT'S SIGNATURE: Jimmie LewisDATE: 10/24/06

ACTION REQUESTED BY GRIEVANT: I WANT TO KNOW WHO IS RESPONSIBLE FOR MY NOT RECEIVING PROPER MENTAL HEALTH TREATMENT REGARDING SAID ISSUES, AND I WOULD ALSO REQUEST TO BE TRANSFERRED BACK TO BUD 23, THE MENTAL HEALTH UNIT.

DATE RECEIVED BY MEDICAL UNIT: _____

RECEIVED

OCT 26 2006

NOTE: EMERGENCY MEDICAL CONDITIONS WILL TAKE PRIORITY. OTHERWISE, MEDICAL GRIEVANCES WILL BE ADDRESSED AT THE WEEKLY MEDICAL COMMITTEE MEETING.

Inmates are required, per DOC Procedure 4.4 [Inmate Grievance Procedure] to attempt to resolve complaints prior to filing a regular grievance. Grievances are to be submitted within seven(7) days from the date of the occurrence or incident or within seven days after the inmate became aware of the incident. The grievance is to be placed in the grievance box located in each housing unit.

Only one issue per grievance form will be addressed. If the grievance is submitted on a weekend or a holiday, it will be received during the next working day.

Return of Unprocessed Grievance

Intake Action: This Grievance Form is being returned to the inmate under the provisions outlined in DOC Procedure 4.4 "Inmate Grievance Procedure" for the following reason(s):

Vulgar/Abusive or Threatening Language. The language that is unacceptable has been highlighted. The grievance may be resubmitted omitting this language.

Non-Grievable. This issue has been defined as non-grievable in accordance with DOC Policy 4.4. These procedures have their own appeal process that must be followed. Disciplinary Action Parole Decision
Classification Action

Request. Requests are not processed through the grievance procedure. Please correspond with the appropriate office to secure the information that is requested.


Duplicate Grievance(s). This issue has been addressed previously in Grievance # _____.

Original Grievances must be submitted to the Inmate Grievance Chairperson. Photocopies are not accepted.

Inquiry on behalf of other inmates. Inmates cannot submit grievances for other inmates.

☒ Expired filing period. Grievance exceeds seven(7) days from date of occurrence.

INMATES WHO ATTEMPT SUICIDE ARE SEEN BY MENTAL HEALTH. NO INMATE IS REMOVED FROM SUICIDE WATCH UNTIL CLEARED BY MENTAL HEALTH. YOU WERE MOVED TO B106 18 ON 9-13-06


Inmate Grievance Chairperson

11-9-06
Date

NOTE: EMERGENCY MEDICAL CONDITIONS WILL TAKE PRIORITY. OTHERWISE, MEDICAL GRIEVANCES WILL BE ADDRESSED AT THE WEEKLY MEDICAL COMMITTEE MEETING.

FORM #585

MEDICAL GRIEVANCE

FACILITY: D. CC
 INMATE'S NAME: Jimmie Lewis
 HOUSING UNIT: M4U 23, D-U-2

DATE SUBMITTED: 1/05/07
 SBI#: 506622
 CASE #: 97563

SECTION #1

DATE & TIME OF MEDICAL INCIDENT: ~~1/04/07~~ 1/04/07, 9:45 pm
 TYPE OF MEDICAL PROBLEM:

DURING MEDICATION PASS C/O WHITE OBSTRUCTS THE
ENTRANCE OF MY ASSIGNED CELL DOOR, IN A MANNER THAT I HAVE
TO REACH PASS HIS BODY IN ORDER TO RECEIVE MY MEDICATION,
FOR WHICH I AM CONCERNED THAT I MAY RECEIVE A DISCIPLINARY
CODE VIOLATION FOR INADVERTENTLY TOUCHING HIM, ALSO, C/O WHITE
INTERFERES WITH MY TREATMENT PRESCRIBED IN ACCORDANCE WITH THE SNU
MENTAL HEALTH PROGRAM, DUE TO HIS INSTRUCTING ME TO DISREGARD WHAT
THE ENVIRONMENTAL LEADER ASKS ME TO DO, THEN THREATENS TO WRITE
ME UP FOR DISCIPLINARY CODE VIOLATIONS WHEN NO DISCIPLINARY CODE
VIOLATION HAS ACCURED. (NUMEROUS WITNESSES CAN VALIDATE MY CLAIMS).

GRIEVANT'S SIGNATURE: Jimmie Lewis DATE: 1/05/07

ACTION REQUESTED BY GRIEVANT: FOR THIS MATTER TO BE INVESTIGATED,
C/O WHITES ACTIONS DEFINE DELIBERATE INDIFFERENCE TOWARDS MY
MENTAL HEALTH TREATMENT, A VIOLATION OF MY 8TH U.S.C.A RIGHTS.
FOR C/O WHITE TO RECEIVE TRAINING REGARDING THE MAINTENANCE AND CUSTOMS
OF MENTAL HEALTH INMATES HOUSED IN THE SNU,

DATE RECEIVED BY MEDICAL UNIT: _____

RECEIVED

JAN 17 2007

NOTE: EMERGENCY MEDICAL CONDITIONS WILL TAKE PRIORITY. OTHERWISE, MEDICAL GRIEVANCES WILL BE ADDRESSED AT THE WEEKLY MEDICAL COMMITTEE MEETING. Inmate Grievance Office

Instructions for Submitting a Regular Grievance

Inmates are required, per DOC Procedure 4.4 [Inmate Grievance Procedure] to attempt to resolve complaints prior to filing a regular grievance. Grievances are to be submitted within seven(7) days from the date of the occurrence or incident or within seven days after the inmate became aware of the incident. The grievance is to be placed in the grievance box located in each housing unit.

Only one issue per grievance form will be addressed. If the grievance is submitted on a weekend or a holiday, it will be received during the next working day.

Return of Unprocessed Grievance

Intake Action: This Grievance Form is being returned to the inmate under the provisions outlined in DOC Procedure 4.4 "Inmate Grievance Procedure" for the following reason(s):

Vulgar/Abusive or Threatening Language. The language that is unacceptable has been highlighted. The grievance may be resubmitted omitting this language.

Non-Grievable. This issue has been defined as non-grievable in accordance with DOC Policy 4.4. These procedures have their own appeal process that must be followed. Disciplinary Action Parole Decision
Classification Action

Request. Requests are not processed through the grievance procedure. Please correspond with the appropriate office to secure the information that is requested.

Duplicate Grievance(s). This issue has been addressed previously in Grievance # _____.

Original Grievances must be submitted to the Inmate Grievance Chairperson. Photocopies are not accepted.

Inquiry on behalf of other inmates. Inmates cannot submit grievances for other inmates.

Expired filing period. Grievance exceeds seven(7) days from date of occurrence.

SECURITY PROCEDURES TRUMP PROGRAM PROCEDURES.

CEH m. h. [Signature]
Inmate Grievance Chairperson

1-31-07
Date

disciplinary#
1029883

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 01/15/2007

DISCIPLINARY REPORT

disciplinary Type: Class1 Housing Unit Bldg 23 IR#: 1038889

SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00506622	Lewis, Jimmy	DCC	Bldg.23 D Tier	01/15/2007	01:55

Violations: 1.25/200.202 Sexual Misconduct, 2.03/200.106 Creating a Health, Safety or Fire Hazard, 2.06/200.108 Failing to Obey an Order, /200.112 Abuse of Prescribed Medication

Witnesses: 1. Glick, Lisa 2. Behney, Jeffrey 3. N/A

Description of Alleged Violation(s)

On Above Date And Time I C/O Elizabeth Barnhart While Doing A Routine Area Check I/M Jimmy Lewis In Du2 Was Standing In Cell Window Masturbating With Horns On Head. When I Asked The Inmate To Stop He Replied " You Know How I Do". I C/O Elizabeth Barnhart Called For Back Up C/O Jeff Behney And Sgt. Lisa Glick Responded The Lights Were Turned On And The Door Cracked. The Inmate Was Asked To Turn Around And Cuff-Up I/M Lewis Refused Three Times He Said He Had To Get Dressed First. Once The Inmate Was Cuffed C/O Behney And C/O Barnhart Proceeded To Shake Down His Room. The Following Items Were Found: 1 Wire Stuck In Cable Port, 4 Soap Balls On The Desk, 8 Laxative Pills And 1 Aspirin In Medicine Cup On Desk, Sbi# Of Inmate Kevin Dixon In Trash, 2 Red Horns Constructed Of Red Cardboard And Toothpaste. Cell Search Was Completed With Out Further Incident, The Inmate Was Un Cuffed, And The Cell Door Secured. The Evidence Was Forwarded, With this Report, For A Major Adjustment Board Referral. Area Lt Was Notified Of Situation And Reports Followed.

Reporting Officer: Barnhart, Elizabeth A (Correctional Officer)

Immediate Action Taken

Immediate action taken by: Barnhart, Elizabeth A -Correctional Officer

Inmate Cuffed And Cell Search

Offender Disposition Details

Disposition: N/A Date: N/A Time: N/A Cell secured? No

Reason: N/A

Disposition Of Evidence: Turned Over To Area Lt. Forwarded To The Hearing Office.

Approval Information

Approved: [☒] Disapproved: [☐] Approved By: Rodden, Timothy (Shift Commander - Large Inst.)

Comments: The Evidence Was Forwarded, With This Report, For A Major Adjustment Board Referral. Note To Mental Health To Place Inmate Lewis Back On Phase One In The Snu For Now.

Shift Supervisor Details

Date Received: 01-15-07 Time: 0316 Received From: Rodden, Timothy

Shift Supervisor Determination:

- ☐ Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges (see reverse side) for _____ hours not to exceed 24 hours)
- ☒ Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing.

Timothy P. Rodden
Rodden, Timothy (Shift Commander - Large Inst.)

I have received a copy of this notice on DATE: 01-15-07 TIME: 0 and have been informed of my rights to have a hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions outlined in the Rules of conduct.

Preliminary Hearing
Officer:

Offender: X

Lewis, Jimmy

Smyrna Landing Road

SMYRNA DE, 19977

Phone#: 302-653-9261

NOTICE OF DISCIPLINARY HEARING - FOR MINOR/MAJOR OFFENSE

Inmate: Lewis, Jimmy

SBI#: 00506622

Housing Unit: Bldg 23

You will be scheduled to appear before the Hearing Office to answer charges pending against you. (Staff are to explain the charges as listed on the 122.)

At that time, a hearing will be held to determine whether you violated Institutional Rule(s) as alleged in the attached Disciplinary Report.

How do you plead? [] Guilty [X] Not Guilty

A "Minor Offense" is a rule violation in which the extent of the sanction to be imposed shall be restricted to:

- Written Reprimand.
- Loss of one or more privileges for a period of time of more than 24 hours but not to exceed 15 days.

A "Major Offense" is a rule violation in which the extent of the sanction to be imposed shall be restricted to:

- Loss of one or more privileges for a period of time not to exceed 90 days.
 - Confinement to assigned quarters for a period of time not to exceed 90 days.
 - Isolation confinement for a period of time not to exceed 90 days.
 - Loss of good time for a period of time not to exceed 90 days.
- (Forfeiture of accumulated good time shall be subject to the approval of the Commissioner or his designee.)

5. You have the right in the disciplinary process as stated on the lower and back of this page. These have been fully explained to you at the time of this notification.

6. Counsel requested Yes

Name of Counsel: Lyons, Maria

7. Confront accuser? Yes

8. Witness requested? Yes

Name of Witness:

I certify that on 01/15/2007 at 03:13, I served upon the above inmate this notice of Disciplinary Hearing for Minor/Major Offense and the Disciplinary Report is attached hereto.

UT MY V Rodden 48
(Employee's Signature & Title)

Rodden, Timothy

I have received copies of 122 & 127 and understand my rights as Form # 127 has been read to me

X
(Inmate's Signature)

Lewis, Jimmy

192007
1029883

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone#: 302-653-9261

Date: 01/15/2007

NOTICE OF DISCIPLINARY HEARING - FOR MINOR/MAJOR OFFENSE

INMATE RIGHTS IN THE DISCIPLINARY PROCESS

RIGHT TO REMAIN SILENT :

Right to Remain Silent: If you are charged criminally based upon the same facts giving rise to the disciplinary process, you have the right to remain silent at the Disciplinary Hearing. If you choose to remain silent, your silence will not be considered against you at the Disciplinary Hearing. In all other circumstances, silence at the Disciplinary Hearing may be considered against you.

Presence: You have the right to be present at all phases of the hearing, except that you may be excluded during the hearing Officer's deliberations and at any time your behavior becomes disruptive to the proceedings. Reason for such exclusions shall be stated in writing.

Disciplinary#
029884

029883 SAME-

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 01/15/2007

DISCIPLINARY REPORT

Disciplinary Type: Class1

Housing Unit Bldg 23

IR#: 1038890

SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00506622	Lewis, Jimmy	DCC	Bldg.23 D Tier	01/15/2007	01:55

Violations: 1.25/200.202 Sexual Misconduct, 2.03/200.106 Creating a Health, Safety or Fire Hazard, 2.06/200.108 Failing to Obey an Order, /200.112 Abuse of Prescribed Medication

Penalties: 1. N/A

2. N/A

3. N/A

Description of Alleged Violation(s)

The Above Date And Approximate Time, I Sgt. Glick, Lisa Responded To D-Tier Du2 At The Request Of C/O Barnhardt, Elizabeth. C/O Barnhardt Advised Me That Inmate Lewis, Jimmy Sbi# 00506622 Had Engaged In Sexual Misconduct By Means Of Masturbating At His Cell Window As C/O Barnhardt Was Conducting A Tier Check. I Was Also Advised By C/O Barnhardt That Lewis Had Affixed A Pair Of "Horns" To His Head. The "Horns" Were Apparently Inmate Constructed. Upon My Response To Du2, Lewis Was In His Assigned Cell And Had Refused To Exit The Cell And Submit To Handcuff Restraint. Lewis Stated " I Had To Get Dressed. What Do You Want Me To Come Out Butt Naked?" I Advised Lewis That He Had To Exit The Cell And Cuff Up When He Was Ordered To Do Such And Not On His Terms. It Should Be Noted That Lewis Was Initially Clothed Only In A Pair Of Boxer Shorts. Lewis Then Submitted To Hand Cuff Restraint. A Cell Search Was Conducted By C/O Barnhardt And C/O Behney, Joe With The Following Contraband Discovered:

- 1) Pair "Horns" Apparently Inmate Constructed From Toothpaste And Some Sort Of Red Paper Covering.
- 2) Paper Clip Bent And Inserted Into The Cable Connection.
- 3) Laxative Pills. Confirmed By Medical Staff
- 4) Aspirin Tablet. Confirmed By Medical Staff
- 5) Soap Balls
- 6) Slip Of Paper With The Sbi # 00154239 Of Inmate Dixon, Kevin, An Inmate Housed In Mhu 23 Du1

The Above Contraband Was Confiscated And Retained As Evidence, Inventoried On A 537-A And Surrendered To The Area Lieutenant: Lt Rodden, Timothy.

At The Conclusion Of The Cell Search, Lewis Was Secured In His Assigned Cell Du2 Without Further Incident. - End Of Report.

Reporting Officer: Glick, Lisa L (CO Corporal/Sgt. - Large Inst.)

Immediate Action Taken

Immediate action taken by: Glick, Lisa L -CO Corporal/Sgt. - Large Inst.

Du2 Searched. Inmate Secured. Incident Reports Completed.

Offender Disposition Details

Disposition: N/A

Date: N/A

Time: N/A

Cell secured? No

Reason: N/A

Disposition Of Evidence: Contraband Surrendered To Lt. Rodden. 537-A Completed.

Approval Information

Approved: [x] Disapproved: [] Approved By: Rodden, Timothy (Shift Commander - Large Inst.)

Comments: N/A

Shift Supervisor Details

Date Received: 01/15/07 Time: 0343 Received From: Rodden, Timothy

Shift Supervisor Determination:

- ☐ Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for _____ hours not to exceed 24 hours)
- ☒ Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing.

INMATE ACQUIRED OR CONFISCATED PROPERTY

INMATE NAME: Lewis, Jimmy SBI# 00 506 622
 USING UNIT: MMU-23 DATE 1/15/07 TIME: 0155

M	DESCRIPTION/BRAND NAME	S/P**	QUANTITY	CONDITION (Poor/Fair/Good)
ns"	Inmate constructed - Rect	N/A	1 set	N/A
ration	Laxative Pills - orange	P	8	N/A
location	Asprin (enteric) Orange	P	1	N/A
oBalls	Soap Balls - yellow	S	4	(3) unused (1) Broken
clip	Paper clip - Bent	S	1	Poor / Bent
	Paper w/ Im SBI # 154239	N/A	1	Poor

12:00 TO 8:00 AM
 C/O'S ON DUTY 1/15/07
 WATSON
 BONWELL
 THOMAS
 GLICK
 BARNHART
 BEHNEY

36-7-6 Glick, 1139
 Officer's Name (Print Clearly)
 Timothy Rodden OT
 Supervisor's Name (Print Clearly)

12+8
 Shift
 12+8
 Shift

Set Z Ithel
 Officer's Signature Who Inventoried Property
 Timothy Rodden
 Supervisor's Signature Reviewing Inventory

Record of Transfer of Property

The acquired/confiscated property, with exceptions noted, as listed above was received from:

Person Transferring Property: Timothy Rodden, on 01/15/07 at 0730, by HO, within Bld-13
 (Date) (Time) (Person Receiving Property) Unit

Record of Transfer of Property

The acquired/confiscated property, with exceptions noted, as listed above was received from:

Person Transferring Property, on / / , at , by , within
 (Date) (Time) (Person Receiving Property) Unit

Record of Transfer of Property

The acquired/confiscated property, with exceptions noted, as listed above was received from:

Person Transferring Property, on / / , at , by , within
 (Date) (Time) (Person Receiving Property) Unit

Phone#: 302-653-9261

Housing Unit: Bldg 23

Page 1 of 2

150007
1029884

DCC Delaware Correctional Center

Date: 01/15/2007

Smyrna Landing Road

SMYRNA DE, 19977

Phone#: 302-653-9261

NOTICE OF DISCIPLINARY HEARING - FOR MINOR/MAJOR OFFENSE

INMATE RIGHTS IN THE DISCIPLINARY PROCESS

NOR OFFENSE :

Right to Remain Silent: If you are charged criminally based upon the same facts giving rise to the disciplinary process, you have the right to remain silent at the Disciplinary Hearing. If you choose to remain silent, your silence will not be considered against you at the Disciplinary Hearing. In all other circumstances, silence at the Disciplinary Hearing may be considered against you.

Presence: You have the right to be present at all phases of the hearing, except that you may be excluded during the hearing Officer's deliberations and at any time your behavior becomes disruptive to the proceedings. Reason for such exclusions shall be stated in writing.

JIM
Disciplinary#
029884

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 01/15/2007

DISCIPLINARY REPORT

Disciplinary Type: Class1

Housing Unit Bldg 23

IR#: 1038890

Timothy Rodden
Rodden, Timothy (Shift Commander - Large Inst.)

I have received a copy of this notice on DATE: 1-15-07 TIME: 0 and have been informed of my rights to have a hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions outlined in the Rules of conduct.

Preliminary Hearing
Officer:

LT TIM Rodden

Offender: +

Lewis, Jimmy

R#
9884

DCC Delaware Correctional Center

Smyrna Landing Road

SMYRNA DE, 19977

Phone No. 302-653-9261

Date: 02/01/2007

DISCIPLINARY HEARING DECISION

Inmate: Lewis, Jimmy

SBI#: 00506622

Type: Class 1

Location: DCC Delaware Correctional Center

Hearing Date: 01/29/2007

Time: 07:24

Inmate Present: Yes Reason(If No): N/A

Charges: 1.25/200.112 Abuse of Prescribed Medication, 1.25/200.202 Sexual Misconduct, 2.03/200.106 Creating a Health, Safety or Fire Hazard, 2.06/200.108 Failing to Obey an Order

Inmate PLEA: Guilty

Inmate Statement: N/A

Inmate Position: Guilty

Remarks: Per rept. the officer wrote him up is not the officer who witness. She didn't see him commit the SM charge. I'm dropping the SM charge but find I/M Guilty of all other charges

Recommendations: N/A

HEARING OFFICER'S SIGNATURE

Heverin, Ralph

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

☐ DO ☒ DO NOT INTEND TO APPEAL

INMATE'S SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

☒ Inmate does not wish to appeal☐ Appeal has been denied by Commissioner or Designate☐ Sanctions have been modified☐ Time Limit(72 Hours since hearing) for appeal has expired

Sanctions to be implemented by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Loss of All Privileges	02/26/2007	5	03/02/2007

Disciplinary#
1030448DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 02/16/2007

DISCIPLINARY REPORT

Disciplinary Type: <u>Summary</u>		Housing Unit <u>Bldg 23</u>		IR#: <u>1039723</u>	
SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00506622	Lewis, Jimmy	DCC	Bldg.23 D Tier	02/16/2007	15:00

Violations: 2.06/200.108 Failing to Obey an Order

Facts: 1. N/A

2. N/A

3. N/A

Description of Alleged Violation(s)

On Friday 2-16-07 At @ 1500 Hrs I/M Jimmy 00506622 Came Out Of The Shower With A Sheet Wrapped Around His Waist And T-Shirt On. I/M Lewis Would Not Go Into The Shower And Put On Any Pants Because He Said "It Was Against His Gender And Isn't Exposing Himself". I/M Was Finally Secured In His Cell And Notified He Would Be Getting A 24 Hour Loaf.

Reporting Officer: Scott, Deborah (CO Corporal/Sgt. - Large Inst.)

Immediate Action TakenImmediate action taken by: Scott, Deborah -CO Corporal/Sgt. - Large Inst.

Inmate Received A 24 Hour Loaf

Offender Disposition DetailsDisposition: N/ADate: N/ATime: N/ACell secured? NoReason: N/ADisposition Of Evidence: N/A**Approval Information**Approved: ☒Disapproved: ☐Approved By: (Signature)Comments: N/A**Shift Supervisor Details**

Date Received:

Time:

Received From: **Shift Supervisor Determination:**

- ☐ Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for _____ hours not to exceed 24 hours)
- ☐ Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing.

, ()

I have received a copy of this notice on DATE: 02/16/07 TIME: 1500 and have been informed of my rights to have a hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions outlined in the Rules of conduct.

Preliminary Hearing
Officer: (Signature)

Offender:

Lewis, Jimmy

Disciplinary#
19020 +

DCC Delaware Correctional Center

Date: 07/09/2005

Smyrna Landing Road

SMYRNA DE, 19977

Phone No. 302-653-9261

DISCIPLINARY REPORT

Disciplinary Type: Class2

Housing Unit: Bldg 19

IR#: 1024147

SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
0506622	Lewis, Jimmy	DCC	Bldg. 19 D Tier	07/09/2005	16:15

ctions: 2.06/200.108 Failing to Obey an Order

esses: 1. N/A

2. N/A

3. N/A

Description of Alleged Violation(s)

he Above Date And Aprox. Time I C/O Phelps Was Conducting A Tier Check And Found Du12 Cell Door Window Covered. I/M s Jimmy Sbi#00506622 Is Housed In Du12. I/M Lewis Has Been Told Several Times That He Can Not Have His Window Covered. I/M Lewis Still Continues To Cover His Window. The Paper Was Removed From His Cell (Du12) And Thrown Away. I/M Lewis Advised Of The Disciplinary Write Up.

orting Officer: Phelps, Casey J (Correctional Officer)

Immediate Action Taken

mediate action taken by: Phelps, Casey J -Correctional Officer

iplinary Write Up

Offender Disposition Details

osition: N/A

Date: N/A

Time: N/A

Cell secured? No

son: N/A

osition Of Evidence: N/A

Approval Information

proved: ☒ Disapproved: ☐ Approved By: Welcome, Michael (Staff Lt./Lt)

ments: N/A

Shift Supervisor Details

e Received: 07/09/2005 Time: 20:07 Received From:

Shift Supervisor Determination:

Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for _____ hours not to exceed 24 hours)

] Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing

Welcome, Michael (Staff Lt./Lt)

ave received a copy of this notice on DATE: _____ TIME: _____ and have been informed of my rights to have hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions tlined in the Rules of conduct.

Eliminary Hearing

ficer: _____

Welcome, Michael

Offender: _____

Lewis, Jimmy

Disciplinary#
J21432

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 11/02/2005

DISCIPLINARY REPORT

Disciplinary Type: Class 1 Housing Unit: Bldg. 19 IR#: 1027274

SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
0506622	Lewis, Jimmy	DCC	Bldg. 19 A Tier	11/02/2005	11:45

Violations: 1.06/200.203 Disorderly or Threatening Behavior, 2.06/200.108 Failing to Obey an Order

Witnesses: 1. N/A 2. N/A 3. N/A

Description of Alleged Violation(s)

On 11/02/2005 at 11:45 AM, I/M Jimmy Lewis #506622 Refused To Give Up His Tray Apparently About The Fact That The Law Library Took Money Out Of His Account For Some Legal Work He Had Done. Asking To Speak To I Sgt. Everette Did Not Think That Him Having To Pay For Work He Had Done On His Behalf Warranted The Attention Of The Lt. I Lt. Simon On The Wing Giving Him Two Direct Orders To Give Me His Tray And He Refused. He Then Stated That He Was Going To Take The Tray And Break The Glass With It. I Opened His Flap To Give Him One Last Order To Return The Tray And He Thrust His Arm Through The Flap Trying To Grab Me And Yelling "I'M Gonna Choke You And Kick Your Ass" And I Sgt. Everette Sprayed A Burst Of Mace Into His Face Because Of His Threatening Actions And Immediately Notified Lt. Simon Making Him Aware Of The Situation. He Was Removed From His Cell And Secured In The Interview Room. He Was Then Seen By Nurse Qwanni Neal.

Reporting Officer: Everette, Gwendolyn (CO Corporal/Sgt. - Large Inst.)

Immediate Action Taken

Immediate action taken by: Everette, Gwendolyn -CO Corporal/Sgt. - Large Inst.

Offense: Capstunned, Secured And Seen By Medical. Area Lt Notified.

Offender Disposition Details

Disposition: N/A Date: N/A Time: N/A Cell secured? No

Reason: N/A

Disposition Of Evidence: N/A

Approval Information

Approved: ☒ Disapproved: ☐ Approved By: Simon, Joseph S (Staff Lt./Lt)

Comments: N/A

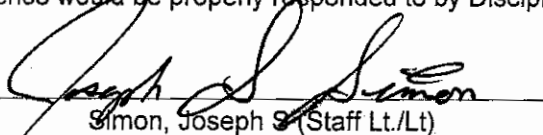
Shift Supervisor Details

Report Received: 11/02/2005 Time: 12:53 Received From: Simon, Joseph S

Shift Supervisor Determination:

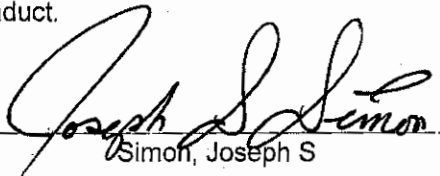
Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for _____ hours not to exceed 24 hours)

Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing


Simon, Joseph S (Staff Lt./Lt)

I have received a copy of this notice on DATE: 11-2-05 TIME: 1330 and have been informed of my rights to have a hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions outlined in the Rules of conduct.

Preliminary Hearing
Officer:


Simon, Joseph S

Offender:

Lewis, Jimmy

DR#

21432

DOC Delaware Correctional Center

Smyrna Landing Road

SMYRNA DE, 19977

Phone#: 302-653-9261

Date: 11/02/2005

NOTICE OF DISCIPLINARY HEARING - FOR MINOR/MAJOR OFFENSEInmate: Lewis, JimmySBI#: 00506622Housing Unit: Bldg. 19

You will be scheduled to appear before the Hearing Office to answer charges pending against you. (Staff are to explain the charges as listed on the 122.)

At that time, a hearing will be held to determine whether you violated Institutional Rule(s) as alleged in the attached Disciplinary Report.

How do you plead ? ☐ Guilty ☒ Not Guilty

A "Minor Offense" is a rule violation in which the extent of the sanction to be imposed shall be restricted to:

- a. Written Reprimand
- b. Loss of one or more privileges for a period of time of more than 24 hours but not to exceed 15 days.

A "Major Offense" is a rule violation in which the extent of the sanction to be imposed shall be restricted to:

- a. Loss of one or more privileges for a period of time not to exceed 90 days.
 - b. Confinement to assigned quarters for a period of time not to exceed 90 days.
 - c. Isolation confinement for a period of time not to exceed 90 days.
 - d. Loss of good time for a period of time not to exceed 90 days.
- (Forfeiture of accumulated good time shall be subject to the approval of the Commissioner or his designee.)

You have the right in the disciplinary process as stated on the lower and back of this page. These have been fully explained to you at the time of this notification.

Counsel requested? NO YES

Name of Counsel: PARALEGAL

Confront accuser? Yes

Witness requested? No

Name of Witness: 1/M VICTOR HARMON
CPL MICHAEL MAANS
CPL LEMUEL ROSS

certify that on 11/02/2005 at 12:54, I
read upon the above inmate this notice of
disciplinary Hearing for Minor/Major Offense and
Disciplinary Report is attached hereto.


(Employee's Signature & Title)

Simon, Joseph S

I have received copies of 122 & 127 and
understand my rights as Form # 127 has
been read to me.

(Inmate's Signature)

Lewis, Jimmy

Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

DISCIPLINARY HEARING DECISION

Inmate : Lewis, Jimmy SBI#: 00506622 Type: Class 1

Location: DCC Delaware Correctional Center Hearing Date: 11/16/2005 Time: 10:43

Inmate Present: Yes Reason(If No): N/A

Offense: 1.06/200.203 Disorderly or Threatening Behavior, 2.06/200.108 Failing to Obey an Order

Inmate PLEA: Not Guilty

Inmate Statement: I spoke with the c/o the day before about my account. I said I need to speak with Lt. I said I need my receipt back. I held my tray because I need to speak with Lt. I said I was going to bust tray and break window. Never said what she said I did

Witness Name: Maan, Lewis Cpl

Witness Statement: Inmate Lewis wasn't given up tray. Inmate reached in Sgts direction she sprayed him.

Witness Name: Fox, Michael i/m

Witness Statement: Inmate held tray because he wanted to see Lt. Sgt sprayed mace in flap.

Officer's Decision: Guilty

Officer's Statement: During confrontation Sgt Everette said inmate refused to give up tray, threatened her, and tried to grap her. Per report and confrontation inmate refused to give up tray, reached for officer and threatened her. Found guilty of all charges.

Officer's Notes: N/A

HEARING OFFICER'S SIGNATURE

Savage, Larry

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

☒ DO ☐ DO NOT INTEND TO APPEAL

INMATE's SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

☐ Inmate does not wish to appeal ☒ Appeal has been denied by Commissioner or Designate
☐ Sanctions have been modified ☐ Time Limit(72 Hours since hearing) for appeal has expired

Sanctions hereby ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Confinement to Quarter	01/16/2006	15	01/30/2006

DR #
1021432

Date: 11/10/05

DCC Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977**DISCIPLINARY HEARING DECISION**☒ Class I (Major) ☐ Class II (Minor) ☐ Summary (24 Hour LOAP)Inmate: Lewis Jimmy SBI#: 00 506622
Institution: Delaware Correctional Center Hearing Date: 11/10/05 Time: 1043Inmate Present: ☒ Yes ☐ No

Reason (If No): _____

Violation: 200.203 200.108Inmate Plea: not guiltyInmate Statement: I dispute with ch. day before about myaccount. I said I need to speak with Lt. I said I need myreceipt back. I held my tray because I needed to speakwith Lt. I said I was going to bust him andWitness Name: break window. Never said what she said I did.Testimony: break window. Never said what she said I did.Witness Name: Cpl. Mary Lewis was giving up tray. LewisTestimony: searched for officer and threatened Sgt. Farrow. She sprayed him.Witness Name: 1st Michael Fox. Inmate held tray because he wantedTestimony: to see it. Sgt. Spruell made it clear.Decision: ☒ Guilty ☐ Not Guilty ☐ Further InvestigationRational: During confrontation Sgt. Green with inmate refusedto give up tray, threatening her, and tried to grab her.Per report of confrontation inmate refused to give up trayand searched for officer and threatened Sgt. Farrow. InmateSanctions: 15 days ETC 1 of all charges.Hearing Officer's Signature: [Signature]

I understand that I may appeal the decision of the Hearing Officer (or Shift Supervisor in the case of a Summary Sanction) to the Commissioner of Correction or his designee. I must complete a Disciplinary Appeal Form within 72 hours immediately following the hearing and mail it to the DCC Hearing Office.

☒ I do intend to appeal.☐ I do not intend to appeal.Inmate's Signature: [Signature]**ORDER TO IMPLEMENT SANCTIONS**☐ Inmate does not wish to appeal☐ Appeal has been denied by Commissioner or Designee☐ Sanctions have been modified☐ Time Limit (72 hours since hearing) for appeal has expired**Modifications:**

It is hereby ordered to implement the sanctions or modified sanctions on Date: _____ Time: _____

DCC - Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261**DISCIPLINARY REPORT**Disciplinary Type: Class 1 Housing Unit: Bldg 19 IR#: 1027274

SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
0506622	Lewis, Jimmy	DCC	Bldg. 19 A Tier	11/02/2005	11:45

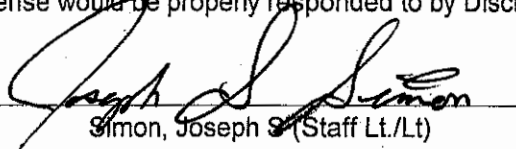
Offenses: 1.06/200.203 Disorderly or Threatening Behavior, 2.06/200.108 Failing to Obey an OrderOffenses: 1. N/A 2. N/A 3. N/A**Description of Alleged Violation(s)**

Picking Up Trays After All Inmates Were Finished Eating, I/M Jimmy Lewis #506622 Refused To Give Up His Tray Apparently About The Fact That The Law Library Took Money Out Of His Account For Some Legal Work He Had Done. Asking To Speak To Sgt. Everette Did Not Think That Him Having To Pay For Work He Had Done On His Behalf Warranted The Attention Of The Lt. I On The Wing Giving Him Two Direct Orders To Give Me His Tray And He Refused. He Then Stated That He Was Going To Take Tray And Break The Glass With It. I Opened His Flap To Give Him One Last Order To Return The Tray And He Thrust His Arm Through The Flap Trying To Grab Me And Yelling "I'M Gonna Choke You And Kick Your Ass" And I Sgt. Everette Sprayed A Burst Of Mace Into His Face Because Of His Threatening Actions And Immediately Notified Lt. Simon Making Him Aware Of The Situation. He Was Then Removed From His Cell And Secured In The Interview Room. He Was Then Seen By Nurse Qwanni Neal.

Reporting Officer: Everette, Gwendolyn (CO Corporal/Sgt. - Large Inst.)**Immediate Action Taken**Immediate action taken by: Everette, Gwendolyn -CO Corporal/Sgt. - Large Inst.Inmate: Capstunned, Secured And Seen By Medical. Area Lt Notified.**Offender Disposition Details**Disposition: N/A Date: N/A Time: N/A Cell secured? NoInmate: N/ADisposition Of Evidence: N/A**Approval Information**Reviewed: ☒ Disapproved: ☐ Approved By: Simon, Joseph S (Staff Lt./Lt)Comments: N/A**Shift Supervisor Details**Received: 11/02/2005 Time: 12:53 Received From: Simon, Joseph S**Supervisor Determination:**

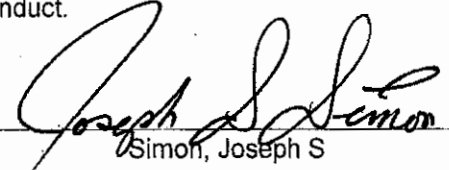
Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for _____ hours not to exceed 24 hours)

Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing


Simon, Joseph S (Staff Lt./Lt)

I received a copy of this notice on DATE: 11-2-05 TIME: 1330 and have been informed of my rights to have counsel and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions as set forth in the Rules of conduct.

Disciplinary Hearing


Simon, Joseph S

Offender:

Lewis, Jimmy

Smyrna Landing Road
SMYRNA DE, 19977
Phone#: 302-653-9261

NOTICE OF DISCIPLINARY HEARING - FOR MINOR/MAJOR OFFENSE

Inmate: Lewis, Jimmy

SBI#: 00506622

Housing Unit: Bldg 19

You will be scheduled to appear before the Hearing Office to answer charges pending against you. (Staff are to explain the charges as listed on the 122.)

At that time, a hearing will be held to determine whether you violated Institutional Rule(s) as alleged in the attached Disciplinary Report.

How do you plead ? ☐ Guilty ☒ Not Guilty

A "Minor Offense" is a rule violation in which the extent of the sanction to be imposed shall be restricted to:

- a. Written Reprimand
- b. Loss of one or more privileges for a period of time of more than 24 hours but not to exceed 15 days.

A "Major Offense" is a rule violation in which the extent of the sanction to be imposed shall be restricted to:

- a. Loss of one or more privileges for a period of time not to exceed 90 days.
- b. Confinement to assigned quarters for a period of time not to exceed 90 days.
- c. Isolation confinement for a period of time not to exceed 90 days.
- d. Loss of good time for a period of time not to exceed 90 days.

(Forfeiture of accumulated good time shall be subject to the approval of the Commissioner or his designee.)

You have the right in the disciplinary process as stated on the lower and back of this page. These have been fully explained to you at the time of this notification.

Counsel requested? No YES

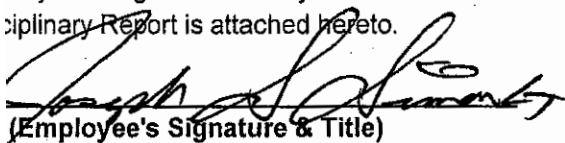
Name of Counsel: PARALEGAL

Confront accuser? Yes

Witness requested? No

Name of Witness: 1/m VICTOR HARMON
CPL MICHAEL MAANS
CPL LEMUEL ROSS

that on 11/02/2005 at 12:54, I
upon the above inmate this notice of
Hearing for Minor/Major Offense and
Disciplinary Report is attached hereto.



(Employee's Signature & Title)

Simon, Joseph S

I have received copies of 122 & 127 and
understand my rights as Form # 127 has
been read to me.

(Inmate's Signature)

Lewis, Jimmy

Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

DISCIPLINARY HEARING DECISION

Inmate: Lewis, Jimmy SBI#: 00506622 Type: Class 1

Institution: DCC Delaware Correctional Center Hearing Date: 11/16/2005 Time: 10:43

Inmate Present: Yes Reason (If No): N/A

Offense: 1.06/200.203 Disorderly or Threatening Behavior, 2.06/200.108 Failing to Obey an Order

Inmate PLEA: Not Guilty

Inmate Statement: I spoke with the c/o the day before about my account. I said I need to speak with Lt. I said I need my receipt back. I held my tray because I need to speak with Lt. I said I was going to bust tray and break window. Never said what she said I did

Witness Name: Maan, Lewis Cpl

Witness Statement: Inmate Lewis wasn't given up tray. Inmate reached in Sgts direction she sprayed him.

Witness Name: Fox, Michael i/m

Witness Statement: Inmate held tray because he wanted to see Lt. Sgt sprayed mace in flap.

Inmate Decision: Guilty

Officer Statement: During confrontation Sgt Everette said inmate refused to give up tray, threatened her, and tried to grap her. Per report and confrontation inmate refused to give up tray, reached for officer and threatened her. Found guilty of all charges.

Offense: N/A

HEARING OFFICER'S SIGNATURE

Savage, Larry

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

☒ DO ☐ DO NOT INTEND TO APPEAL

INMATE's SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

☐ Inmate does not wish to appeal ☒ Appeal has been denied by Commissioner or Designate
☐ Sanctions have been modified ☐ Time Limit (72 Hours since hearing) for appeal has expired

Sanctions hereby ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
Confinement to Quarter	01/16/2006	15	01/30/2006

DCC
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261**DISCIPLINARY REPORT**

Disciplinary Type: Class 1		Housing Unit Bldg D/Infirmary		IR#: 1032204	
SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00506622	Lewis, Jimmy	DCC	D/INFIRMARY	05/07/2006	00:15

Offenses: 1.06/200.203 Disorderly or Threatening Behavior, 2.06/200.108 Failing to Obey an Order

Offenses: 1. N/A 2. N/A 3. N/A

Description of Alleged Violation(s)

Sunday May 7, 2006 Co Rosalie Vargas Was Completing Paperwork At The Nurses Station When I Heard Banging. I Reached Cell 191 And Observed Im Jimmy Lewis # 00506622 Banging On The Door. I Had Ordered Im Lewis Not To Bang On The Door. I Had Just Completed An Area Check And Was By The Room At 0009. Im Lewis Loudly Stated He Needed To See A Mab. I Notified Med Staff Who Were In The Med Room. Im Lewis Then Began To Bang On The Door Again. I Notified Him He A Mab As I Had Previously Ordered Him Not To Bang On The Door. Im Lewis Became Loud And Disorderly "I Don'T Give A About No Write Up Bitch! Write That Up! I Don'T Give A Fuck!". Med Staff Paul Responded And Asked Im Lewis What He Needed. Im Lewis Stated He Was Banging On The Door As He Needed Something For Gas Pains. Im Lewis Received Mab And Notified Of Write Up.

Reporting Officer: Vargas, Rosalie (CO Corporal/Sgt. - Large Inst.)

Immediate Action Taken

Immediate action taken by: Vargas, Rosalie -CO Corporal/Sgt. - Large Inst.

Lewis Received Mab And Was Notified

Offender Disposition Details

Disposition: N/A Date: N/A Time: N/A Cell secured? No

on: N/A

Disposition Of Evidence: N/A

Approval Information

Reviewed: [x] Disapproved: [] Approved By: Burman, Barry M (Staff Lt./Lt)

Comments: N/A

Shift Supervisor Details

Received: Time: Received From: Burman, Barry M

Supervisor Determination:

Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for _____ hours not to exceed 24 hours)

Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing.

LT Barry Burman
Burman, Barry M (Staff Lt./Lt)

I received a copy of this notice on DATE: 05/07/06 TIME: 0145 and have been informed of my rights to have a hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions as set in the Rules of conduct.

Disciplinary Hearing
by:LT Barry Burman

Offender:

Eddi Amin Dada
Lewis, Jimmy 163388445

WILL SEE FEDERAL CASTRO

C/O Rosalie Vargas

DCC Delaware Correctional Center

Date: 06/27/2006

Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

23

DISCIPLINARY HEARING DECISION

Inmate: Lewis, Jimmy SBI#: 00506622 Type: Class 1
Institution: DCC Delaware Correctional Center Hearing Date: 06/20/2006 Time: 09:41

Inmate Present: No Reason (If No): I/M Refuse to come to hearing
Violation: 1.06/200.203 Disorderly or Threatening Behavior, 2.06/200.108 Failing to Obey an Order

Inmate PLEA: Not Guilty
Inmate Statement: N/A

Decision: Guilty
Disposition: Per Rept. found I/M Guilty of all charges
Recommendations: N/A

HEARING OFFICER'S SIGNATURE

Heverin, Ralph

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

☒ DO ☐ DO NOT INTEND TO APPEAL

INMATE'S SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

☐ Inmate does not wish to appeal ☐ Appeal has been denied by Commissioner or Designate
☐ Sanctions have been modified ☒ Time Limit (72 Hours since hearing) for appeal has expired

Hereby ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Confinement to Quarter	07/17/2006	5	07/21/2006

1024850

Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

DISCIPLINARY REPORT

Disciplinary Type: Class 1 Housing Unit: Bldg D/Infirmary IR#: 1032237

SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00506622	Lewis, Jimmy	DCC	D/INFIRMARY	05/08/2006	00:01

Violations: 1.06/200.203 Disorderly or Threatening Behavior, 2.03/200.106 Creating a Health, Safety or Fire Hazard, 2.06/200.108 Failing to Obey an Order

Witnesses: 1. N/A 2. N/A 3. N/A

Description of Alleged Violation(s)

Monday May 8, 2006 Co Rosalie Vargas Was Conducting An Area Check Of D/Infirmary. I Observed Im Jimmy Lewis On His Bed On His Mattress Banging On The Cell Door. I Asked Im Lewis Why He Was Banging On The Door. Im Lewis Started To Crawl, Lay Halfway Down On His Mattress And Loudly And Disorderly Stated "Turn The Fucking Fan Off Bitch!". I Notified Im Lewis Had A Mab. Im Lewis Continued His Behavior Yelling "What You Go Home And Think About This Shit! Turn Off The Fucking Fan Bitch!". Im Lewis Has Received Mab For This Behavior From This Officer The Last Two Weeks. Im Was Notified By Medical Staff And Myself That He Would Injure Himself If He Continued Banging On The Door. Im Lewis Received Mab, Was Notified Of Write Up And Continued His Behavior.

Reporting Officer: Vargas, Rosalie (CO Corporal/Sgt. - Large Inst.)

Immediate Action Taken

Immediate action taken by: Vargas, Rosalie -CO Corporal/Sgt. - Large Inst.

Lewis Received Mab, Was Notified Of Write Up And Continued His Behavior

Offender Disposition Details

Disposition: N/A Date: N/A Time: N/A Cell secured? No

Reason: N/A

Disposition Of Evidence: N/A

Approval Information

Reviewed: ☒ Disapproved: ☐ Approved By: Brzezicki, Ronald A (Staff Lt./Lt)

Comments: N/A

Shift Supervisor Details

Received: 05/08/2006 Time: 07:11 Received From: Brzezicki, Ronald A

Supervisor Determination:

Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for _____ hours not to exceed 24 hours)

Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing.

Brzezicki, Ronald A (Staff Lt./Lt)

I received a copy of this notice on DATE: 5/10/06 TIME: 0700 and have been informed of my rights to have a hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions as provided in the Rules of conduct.

Disciplinary Hearing
by: Brzezicki, Ronald A

Offender: Im unable to sign
Lewis, Jimmy

CO Rosalie Vargas

DR#

1024850

DCC Delaware Correctional Center

Date: 06/08/2006

Smyrna Landing Road

SMYRNA DE, 19977

Phone No. 302-653-9261

DISCIPLINARY HEARING DECISION

Inmate: Lewis, Jimmy SBI#: 00506622 Type: Class 1
 Institution: DCC Delaware Correctional Center Hearing Date: 05/16/2006 Time: 09:43
 Inmate Present: No Reason (If No): I/M Refused to come to hearing. Witness by CPL. Andrews
 Violation: 1.06/200.203 Disorderly or Threatening Behavior, 2.03/200.106 Creating a Health, Safety or Fire Hazard, 2.06/200.108 Failing to Obey an Order
 Inmate PLEA: Not Guilty
 Inmate Statement: N/A
 Decision: Guilty
 Additional: Per Rept found I/M Guilty of all charges
 Actions: N/A

HEARING OFFICER'S SIGNATURE

Heverin, Ralph

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

☒ DO ☐ DO NOT INTEND TO APPEAL

INMATE'S SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

☐ Inmate does not wish to appeal ☒ Appeal has been denied by Commissioner or Designate
☐ Sanctions have been modified ☐ Time Limit (72 Hours since hearing) for appeal has expired

Sanctions here by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Confinement to Quarter	07/24/2006	5	07/28/2006

SMYRNA DE, 19977
Phone No. 302-653-9261

DISCIPLINARY REPORT

Disciplinary Type: <u>Class 1</u>	Housing Unit: <u>Bldg D/Infirmary</u>	IR#: <u>1032095</u>			
SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00506622	Lewis, Jimmy	DCC	D/INFIRMARY	05/02/2006	07:36

Violations: 1.06/200.203 Disorderly or Threatening Behavior, 2.03/200.106 Creating a Health, Safety or Fire Hazard, 2.06/200.108 Failing to Obey an Order

Witnesses: 1. N/A 2. N/A 3. N/A

Description of Alleged Violation(s)

Tuesday May 2, 2006 Co Rosalie Vargas Was At The Nurses Station In The Infirmary. Im Jimmy Lewis #00506622 Started To Bang On His Door Loudly. I Went To His Cell 191 And Observed Him Banging On The Door. Im Lewis Saw Me And Started To Yell "What The Fuck Are You Doing Here! What The Fuck Do You Want Now Bitch!". I Ordered Im Lewis To Stop Banging, Yelling And Being Disorderly. Im Lewis Started To Bang The Door So Hard You Could See The Door Jumping From The Top Of The Frame. Im Lewis Was Also Yelling At The Same Time In A Disorderly Manner "Fuck You Motherfucking Bitch! You Don'T Know What I'M Going Through! Who The Fuck Do You Think You Are! Write Me Up! I Don'T Give A Fuck! I Don'T Give A Fuck About No Write Up! Fuck You!". Im Lewis Received A Mab, Was Notified Of Write Up And Continued His Disorderly Behavior Of Banging On The Door Yelling. Im Lewis Was Ordered By Medical Staff To Stop Banging On The Door Or He Would Injure Himself. Im Lewis Continued To Bang And Yell.

Reporting Officer: Vargas, Rosalie (CO Corporal/Sgt. - Large Inst.)

Immediate Action Taken

Immediate action taken by: Vargas, Rosalie -CO Corporal/Sgt. - Large Inst.

Lewis Received Mab, Was Notified Of Write Up And Continued His Disorderly Behavior

Offender Disposition Details

Disposition: N/A Date: N/A Time: N/A Cell secured? No

Reason: N/A

Disposition Of Evidence: N/A

Approval Information

Approved: ☒ Disapproved: ☐ Approved By: Godwin, Derrick R (Staff Lt./Lt)

Comments: N/A

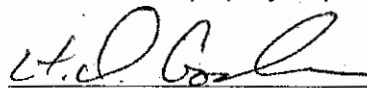
Shift Supervisor Details

Received: 05/02/2006 Time: 09:23 Received From: Godwin, Derrick R

Supervisor Determination:

Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for _____ hours not to exceed 24 hours)

Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing.



Godwin, Derrick R (Staff Lt./Lt)

I have received a copy of this notice on DATE: _____ TIME: _____ and have been informed of my rights to have a hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions as stated in the Rules of conduct.

Disciplinary Hearing
Officer:



Godwin, Derrick R

Offender:

Lewis, Jimmy

1024748

DCC Delaware Correctional Center

Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 05/30/2006

DISCIPLINARY HEARING DECISION *DLind*

Inmate: Lewis, Jimmy SBI#: 00506622 Type: Class 1
Institution: DCC Delaware Correctional Center Hearing Date: 05/16/2006 Time: 09:28
Inmate Present: No Reason (If No): I/M Refused to come to Hearing. Witness by CPL. Andrews
Violation: 1.06/200.203 Disorderly or Threatening Behavior, 2.03/200.106 Creating a Health, Safety or Fire Hazard, 2.06/200.108 Failing to Obey an Order
Inmate PLEA: Not Guilty
Inmate Statement: N/A
Decision: Guilty
Additional: Per Rept. found I/M Guilty of all charges
Actions: N/A

HEARING OFFICER'S SIGNATURE

Heverin, Ralph

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

☒ DO ☐ DO NOT INTEND TO APPEAL

INMATE'S SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

☐ Inmate does not wish to appeal ☒ Appeal has been denied by Commissioner or Designate
☐ Sanctions have been modified ☐ Time Limit (72 Hours since hearing) for appeal has expired

Sanctions here by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Confinement to Quarter	06/26/2006	5	06/30/2006

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

DISCIPLINARY REPORT

Disciplinary Type: Class 1	Housing Unit Bldg D/Infirmary	IR#: 1032094			
SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00506622	Lewis, Jimmy	DCC	D/INFIRMARY	05/02/2006	07:00

Violations: 1.06/200.203 Disorderly or Threatening Behavior, 2.06/200.108 Failing to Obey an Order

Witnesses: 1. N/A 2. N/A 3. N/A

Description of Alleged Violation(s)

Tuesday May 2, 2006 Co Rosalie Vargas Was Conducting An Area Check Of The D-Infirmary. Im Jimmy Lewis #00506622 Standing At His Cell Door (191). Im Lewis Became Disorderly And Threatening Yelling Loudly "Fuck You! Who Do You Think Are! I Know Who You Are And What You Do! I Don'T Give A Fuck! Bitch! Write That Up! Fuck You!". Mental Health Staff Les Benton Entered The Infirmary To Interview With An Inmate In Cell 190. Im Lewis Then Began To Yell Louder "You Pussy Not Ran When They Opened My Flap To Get My Tray! You Aren'T Doing Your Job! I Don'T Give A Fuck About Nothing!" I Told Im Lewis To Stop His Disorderly Behavior And Notified Him He Would Be Receiving A Mab. Im Lewis Yelled "Write Me Up! I Don'T Give A Fuck About No Write Up! Fuck You! Write That Up!". I Completed My Area Check And Started To Write The Mab. Im Lewis Continued His Behavior Yelling "Charlie Benton! Who The Fuck Ordained You! You Aren,T' No Minister! I'M Trying To Get A Counselor Over Here To Get Me A Phone Call To Let Them Know What I'Ve Been Going Through! To Let Them Know I'm Fucking Over Here! Fuck You!" Im Lewis Received A Mab, Was Notified Of The Write Up And Continued His Disorderly And Threatening Behavior Continuing His Yelling.

Reporting Officer: Vargas, Rosalie (CO Corporal/Sgt. - Large Inst.)

Immediate Action Taken

Immediate action taken by: Vargas, Rosalie -CO Corporal/Sgt. - Large Inst.

Lewis Received Mab, Was Notified Of Write Up And Continued His Disorderly Behavior

Offender Disposition Details

Disposition: N/A Date: N/A Time: N/A Cell secured? No

Location: N/A

Position Of Evidence: N/A

Approval Information

Approved: [x] Disapproved: [] Approved By: Godwin, Derrick R (Staff Lt./Lt)

Comments: N/A

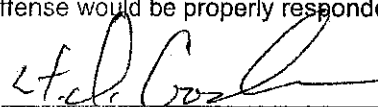
Shift Supervisor Details

Received: 05/02/2006 Time: 09:35 Received From: Godwin, Derrick R

Supervisor Determination:

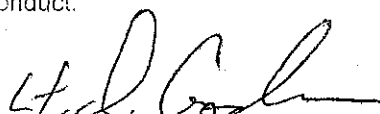
Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for _____ hours not to exceed 24 hours)

Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing.



Godwin, Derrick R (Staff Lt./Lt)

I received a copy of this notice on DATE: _____ TIME: _____ and have been informed of my rights to have a hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions as set forth in the Rules of Conduct.

Disciplinary Hearing
Officer:

Godwin, Derrick R

Offender:

Lewis, Jimmy

DR#

024742

DCC Delaware Correctional Center

Date: 06/06/2006

Smyrna Landing Road

SMYRNA DE, 19977

Phone No. 302-653-9261

DISCIPLINARY HEARING DECISION

Inmate: <u>Lewis, Jimmy</u>	SBI#: <u>00506622</u>	Type: <u>Class 1</u>
Institution: <u>DCC Delaware Correctional Center</u>	Hearing Date: <u>05/16/2006</u>	Time: <u>09:25</u>
Inmate Present: <u>No</u> Reason(If No): <u>I/M Refused to come to Hearing. Witness By CPL. Andrews</u>		
Violation: <u>1.06/200.203 Disorderly or Threatening Behavior, 2.06/200.108 Failing to Obey an Order</u>		
Inmate PLEA: <u>Not Guilty</u>		
Inmate Statement: <u>N/A</u>		
Decision: <u>Guilty</u>		
Rationale: <u>Per Rept. found I/M Guilty of all charges</u>		
Recommendations: <u>N/A</u>		

HEARING OFFICER'S SIGNATUREHeverin, Ralph

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

☒ DO ☐ DO NOT INTEND TO APPEALINMATE'S SIGNATURE**ORDER TO IMPLEMENT SANCTIONS**

- | | |
|---|---|
| <input type="checkbox"/> Inmate does not wish to appeal | <input checked="" type="checkbox"/> Appeal has been denied by Commissioner or Designate |
| <input type="checkbox"/> Sanctions have been modified | <input type="checkbox"/> Time Limit(72 Hours since hearing) for appeal has expired |

hereby ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Confinement to Quarter	07/31/2006	5	08/04/2006

DR#
027146

DCC Delaware Correctional Center

Date: 10/25/2006

Smyrna Landing Road

SMYRNA DE, 19977

Phone No. 302-653-9261

DISCIPLINARY HEARING DECISION

Inmate: Lewis, Jimmy

SBI#: 00506622

Type: Class 2

Institution: DCC Delaware Correctional Center

Hearing Date: 09/11/2006

Time: 11:47

Inmate Present: Yes Reason (If No): N/A

Violation: 1.06/200.203 Disorderly or Threatening Behavior, 2.05 Disrespect, 2.06/200.108 Failing to Obey an Order

Inmate PLEA: Not Guilty

Inmate Statement: I don't remember this incidence

Inmate Decision: Guilty

Inmate Reason: Per Rept. found I/M Guilty of all charges

Inmate Actions: N/A

HEARING OFFICER'S SIGNATURE

Heverin, Ralph

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

☒ DO ☐ DO NOT INTEND TO APPEAL

INMATE'S SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

☐ Inmate does not wish to appeal☐ Appeal has been denied by Commissioner or Designate☐ Sanctions have been modified☒ Time Limit (72 Hours since hearing) for appeal has expired

Inmate hereby ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Confinement to Quarter	11/30/2006	5	12/04/2006

DR#

DCC Delaware Correctional Center

Date: 10/25/2006

1027222

Smyrna Landing Road

SMYRNA DE, 19977

Phone No. 302-653-9261

DISCIPLINARY HEARING DECISION

Inmate : <u>Lewis, Jimmy</u>	SBI#: <u>00506622</u>	Type: <u>Class 1</u>
Institution: <u>DCC Delaware Correctional Center</u>	Hearing Date: <u>09/11/2006</u>	Time: <u>11:50</u>
Inmate Present: <u>Yes</u> Reason (If No): <u>N/A</u>		
Violation: 1.06/200.203 Disorderly or Threatening Behavior, 2.03/200.106 Creating a Health, Safety or Fire Hazard, 2.06/200.108 Failing to Obey an Order		
Inmate PLEA: <u>Not Guilty</u>		
Inmate Statement: <u>Because I don't remember any of this</u>		
Decision: <u>Guilty</u>		
Justification: <u>Per Rept. found I/M Guilty of all charges</u>		
Sanctions: <u>N/A</u>		

HEARING OFFICER'S SIGNATUREHeverin, Ralph

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

I ☒ DO ☐ DO NOT INTEND TO APPEAL

INMATE'S SIGNATURE**ORDER TO IMPLEMENT SANCTIONS**

<input checked="" type="checkbox"/> Inmate does not wish to appeal	<input type="checkbox"/> Appeal has been denied by Commissioner or Designate
<input type="checkbox"/> Sanctions have been modified	<input type="checkbox"/> Time Limit (72 Hours since hearing) for appeal has expired

is here by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Confinement to Quarter	11/25/2006	5	11/29/2006

DR#
1027195

DCC Delaware Correctional Center

Date: 10/25/2006

Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

DISCIPLINARY HEARING DECISION

Inmate : <u>Lewis, Jimmy</u>	SBI#: <u>00506622</u>	Type: <u>Class 1</u>
Institution: <u>DCC Delaware Correctional Center</u>	Hearing Date: <u>09/28/2006</u>	Time: <u>09:17</u>
Inmate Present: <u>Yes</u> Reason(If No): <u>N/A</u>		
Violation: <u>1.06/200.203 Disorderly or Threatening Behavior, 2.05 Disrespect, 2.06/200.108 Failing to Obey an Order</u>		
Inmate PLEA: <u>Not Guilty</u>		
Inmate Statement: <u>Wasn't in right state of mind. When I was in hospital I was a mental health patient. Didn't inform mental health so they could tell her about my status.</u>		
Decision: <u>Guilty</u>		
Additional: <u>Inmate didn't ask to confront accuser at hearing. Per report inmate found guilty of all charges.</u>		
Sanctions: <u>N/A</u>		

HEARING OFFICER'S SIGNATURE

Savage, Larry

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

☒ DO ☐ DO NOT INTEND TO APPEAL

INMATE's SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

- | | |
|---|---|
| <input type="checkbox"/> Inmate does not wish to appeal | <input type="checkbox"/> Appeal has been denied by Commissioner or Designate |
| <input type="checkbox"/> Sanctions have been modified | <input checked="" type="checkbox"/> Time Limit(72 Hours since hearing) for appeal has expired |

Sanctions here by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Confinement to Quarter	11/20/2006	30	12/19/2006

1024784

DCC Delaware Correctional Center

Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 06/06/2006

DISCIPLINARY HEARING DECISION

Inmate: <u>Lewis, Jimmy</u>	SBI#: <u>00506622</u>	Type: <u>Class 1</u>	
Institution: <u>DCC Delaware Correctional Center</u>	Hearing Date: <u>05/16/2006</u>	Time: <u>09:33</u>	
Inmate Present: <u>No</u> Reason(If No): <u>I/M Refused to come to Hearing. Witness by CPL. Andrews</u>			
Violation: <u>1.06/200.203 Disorderly or Threatening Behavior, 2.06/200.108 Failing to Obey an Order</u>			
Inmate PLEA: <u>Not Guilty</u>			
Inmate Statement: <u>N/A</u>			
Decision: <u>Guilty</u>			
Rationale: <u>Per Rept. found I/M Guilty of all charges</u>			
Sanctions: <u>N/A</u>			
HEARING OFFICER'S SIGNATURE _____ Heverin, Ralph			
Understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.			
<input checked="" type="checkbox"/> DO <input type="checkbox"/> DO NOT INTEND TO APPEAL			
INMATE'S SIGNATURE _____			
ORDER TO IMPLEMENT SANCTIONS			
<input type="checkbox"/> Inmate does not wish to appeal <input checked="" type="checkbox"/> Appeal has been denied by Commissioner or Designate			
<input type="checkbox"/> Sanctions have been modified <input type="checkbox"/> Time Limit(72 Hours since hearing) for appeal has expired			
Sanctions here by ordered to implement the sanctions:			
Sanctions	Start Date	Days	End Date
1. Confinement to Quarter	07/06/2006	5	07/10/2006

DR#

1024743

DCC Delaware Correctional Center

Date: 05/30/2006

Smyrna Landing Road

SMYRNA DE, 19977

Phone No. 302-653-9261

DISCIPLINARY HEARING DECISION

Inmate: <u>Lewis, Jimmy</u>	SBI#: <u>00506622</u>	Type: <u>Class 1</u>
Institution: <u>DCC Delaware Correctional Center</u>	Hearing Date: <u>05/16/2006</u>	Time: <u>09:28</u>
Inmate Present: <u>No</u> Reason (If No): <u>I/M Refused to come to Hearing. Witness by CPL. Andrews</u>		
Violation: <u>1.06/200.203 Disorderly or Threatening Behavior, 2.03/200.106 Creating a Health, Safety or Fire Hazard, 2.06/200.108 Failing to Obey an Order</u>		
Inmate PLEA: <u>Not Guilty</u>		
Inmate Statement: <u>N/A</u>		
Decision: <u>Guilty</u>		
Rationale: <u>Per Rept. found I/M Guilty of all charges</u>		
Recommendations: <u>N/A</u>		

HEARING OFFICER'S SIGNATURE

Heverin, Ralph

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

☒ DO ☐ DO NOT INTEND TO APPEAL

INMATE'S SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

<input type="checkbox"/> Inmate does not wish to appeal	<input checked="" type="checkbox"/> Appeal has been denied by Commissioner or Designate
<input type="checkbox"/> Sanctions have been modified	<input type="checkbox"/> Time Limit (72 Hours since hearing) for appeal has expired

Sanctions here by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Confinement to Quarter	06/26/2006	5	06/30/2006

Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

DISCIPLINARY HEARING DECISION

Inmate: <u>Lewis, Jimmy</u>	SBI#: <u>00506622</u>	Type: <u>Class 1</u>
Institution: <u>DCC Delaware Correctional Center</u>	Hearing Date: <u>05/16/2006</u>	Time: <u>09:43</u>
Inmate Present: <u>No</u>	Reason (If No): <u>I/M Refused to come to hearing. Witness by CPL. Andrews</u>	
Violation: <u>1.06/200.203 Disorderly or Threatening Behavior, 2.03/200.106 Creating a Health, Safety or Fire Hazard, 2.06/200.108 Failing to Obey an Order</u>		
Inmate PLEA: <u>Not Guilty</u>		
Inmate Statement: <u>N/A</u>		
Decision: <u>Guilty</u>		
Reason: <u>Per Rept found I/M Guilty of all charges</u>		
Sanctions: <u>N/A</u>		

HEARING OFFICER'S SIGNATURE

Heverin, Ralph

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

☒ DO ☐ DO NOT INTEND TO APPEAL

INMATE'S SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

- | | |
|---|---|
| <input type="checkbox"/> Inmate does not wish to appeal | <input checked="" type="checkbox"/> Appeal has been denied by Commissioner or Designate |
| <input type="checkbox"/> Sanctions have been modified | <input type="checkbox"/> Time Limit (72 Hours since hearing) for appeal has expired |

Hereby ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Confinement to Quarter	07/24/2006	5	07/28/2006

DR#

1024836

DCC Delaware Correctional Center

Smyrna Landing Road

SMYRNA DE, 19977

Phone No. 302-653-9261

Date: 06/09/2006

DISCIPLINARY HEARING DECISION

Inmate: <u>Lewis, Jimmy</u>	SBI#: <u>00506622</u>	Type: <u>Class 1</u>
Institution: <u>DCC Delaware Correctional Center</u>	Hearing Date: <u>05/16/2006</u>	Time: <u>09:40</u>
Inmate Present: <u>No</u>	Reason(If No): <u>I/M Refused to come to hearing. Witness by CPL> Andrews</u>	
Violation: <u>/200.224 Indecent Exposure, 1.06/200.203 Disorderly or Threatening Behavior, 2.06/200.108 Failing to Obey an Order</u>		
Inmate PLEA: <u>Not Guilty</u>		
Inmate Statement: <u>N/A</u>		
Decision: <u>Guilty</u>		
Justification: <u>Per Rept. found I/M Guilty of all charges</u>		
Recommendations: <u>N/A</u>		

HEARING OFFICER'S SIGNATURE

Heverin, Ralph

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

☒ DO ☐ DO NOT INTEND TO APPEAL

INMATE'S SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

- | | |
|---|---|
| <input type="checkbox"/> Inmate does not wish to appeal | <input checked="" type="checkbox"/> Appeal has been denied by Commissioner or Designate |
| <input type="checkbox"/> Sanctions have been modified | <input type="checkbox"/> Time Limit(72 Hours since hearing) for appeal has expired |

as here by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Confinement to Quarter	06/26/2006	10	07/05/2006

DR#
1024762

DCC Delaware Correctional Center

Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

23

DISCIPLINARY HEARING DECISION

Inmate: Lewis, Jimmy SBI#: 00506622 Type: Class 2
Institution: DCC Delaware Correctional Center Hearing Date: 06/20/2006 Time: 09:42

Inmate Present: No Reason(If No): I/M Refuse to come to hearing

Violation: /200.112 Abuse of Prescribed Medication

Inmate PLEA: Not Guilty

Inmate Statement: N/A

Decision: Guilty

Additional: Per Rept. found I/M Guilty of all charges

Sanctions: N/A

HEARING OFFICER'S SIGNATURE

Heverin, Ralph

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

☒ DO ☐ DO NOT INTEND TO APPEAL

INMATE'S SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

☐ Inmate does not wish to appeal ☐ Appeal has been denied by Commissioner or Designate
☐ Sanctions have been modified ☒ Time Limit(72 Hours since hearing) for appeal has expired

Hereby ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Loss of All Privileges	07/17/2006	5	07/21/2006

DR#

DCC Delaware Correctional Center

Date: 09/14/2006

1026789

Smyrna Landing Road

SMYRNA DE, 19977

Phone No. 302-653-9261

DISCIPLINARY HEARING DECISION

Inmate: Lewis, Jimmy SBI#: 00506622 Type: Class 1
 Institution: DCC Delaware Correctional Center Hearing Date: 08/22/2006 Time: 19:34

Inmate Present: No Reason(If No): I/M Refused to come to hearing. Witness by Sgt. Lancaster
 Violation: 1.06/200.203 Disorderly or Threatening Behavior, 2.05 Disrespect, 2.06/200.108 Failing to Obey an Order

Inmate PLEA: Guilty
 Inmate Statement: N/A

Decision: Guilty
 Recommendation: Per Rept. found I/M Guilty of all charges
 Comments: N/A

HEARING OFFICER'S SIGNATUREHeverin, Ralph

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

☒ DO ☐ DO NOT INTEND TO APPEAL

INMATE'S SIGNATURE**ORDER TO IMPLEMENT SANCTIONS**

☐ Inmate does not wish to appeal ☐ Appeal has been denied by Commissioner or Designate
☐ Sanctions have been modified ☒ Time Limit(72 Hours since hearing) for appeal has expired

Whereby ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Confinement to Quarter	10/17/2006	10	10/26/2006

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 09/07/2006

DISCIPLINARY HEARING DECISION

Inmate : <u>Lewis, Jimmy</u>	SBI#: <u>00506622</u>	Type: <u>Class 1</u>
Institution: <u>DCC Delaware Correctional Center</u>	Hearing Date: <u>09/07/2006</u>	Time: <u>09:46</u>
Inmate Present: <u>Yes</u>	Reason(If No): <u>N/A</u>	
Violation: 1.06/200.203 Disorderly or Threatening Behavior, 2.05 Disrespect, 2.06/200.108 Failing to Obey an Order, 2.11/200.102 Off Limits		
Inmate PLEA: <u>Not Guilty</u>		
Inmate Statement: <u>Don't remember.</u>		
Decision: <u>Guilty</u>		
Reasoning: <u>Per report inmate found guilty of 2.06/200;108 FTO. All other charges dropped.</u>		
Recommendations: <u>N/A</u>		

HEARING OFFICER'S SIGNATURE

Savage, Larry

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

☐ DO ☒ DO NOT INTEND TO APPEAL

INMATE'S SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

- | | |
|---|--|
| <input type="checkbox"/> Inmate does not wish to appeal | <input type="checkbox"/> Appeal has been denied by Commissioner or Designate |
| <input type="checkbox"/> Sanctions have been modified | <input type="checkbox"/> Time Limit(72 Hours since hearing) for appeal has expired |

Hereby ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Loss of All Privileges	09/25/2006	5	09/29/2006

DR#

1027067

DCC Delaware Correctional Center

Date: 09/07/2006

Smyrna Landing Road

SMYRNA DE, 19977

Phone No. 302-653-9261

DISCIPLINARY HEARING DECISION

Inmate : <u>Lewis, Jimmy</u>	SBI#: <u>00506622</u>	Type: <u>Class 1</u>
Institution: <u>DCC Delaware Correctional Center</u>	Hearing Date: <u>09/07/2006</u>	Time: <u>09:45</u>
Inmate Present: <u>Yes</u>	Reason (If No): <u>N/A</u>	
Violation: 1.04/200.209 Damage or Destruction of Property (Over \$10), 1.06/200.203 Disorderly or Threatening Behavior, 2.01/200.105 Abuse of Privileges, 2.03/200.106 Creating a Health, Safety or Fire Hazard, 2.06/200.108 Failing to Obey an Order		
Inmate PLEA: <u>Not Guilty</u>		
Inmate Statement: <u>Don't remember incident.</u>		
Business Name: <u>Mcclain, Stephen</u>		
Testimony : <u>N/A</u>		
Decision : <u>Guilty</u>		
Additional : <u>Per report inmate found guilty of all charges.</u>		
Actions: <u>N/A</u>		

HEARING OFFICER'S SIGNATURE

Savage, Larry

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer. I may appeal the decision of a Class I Hearing to the facility administrator. I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

☐ DO ☒ DO NOT INTEND TO APPEAL

INMATE's SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

- | | |
|--|--|
| <input checked="" type="checkbox"/> Inmate does not wish to appeal | <input type="checkbox"/> Appeal has been denied by Commissioner or Designate |
| <input type="checkbox"/> Sanctions have been modified | <input type="checkbox"/> Time Limit(72 Hours since hearing) for appeal has expired |

here by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Confinement to Quarter	10/02/2006	15	10/16/2006

Jimmie Lewis

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,)
)
Plaintiffs,) C.A. No. 04-1350
)
v.)
)
SYLVIA FOSTER, M.D., et al.,)
)
Defendants.)

Deposition of JIMMIE LEWIS taken pursuant to notice before Renee A. Meyers, Registered Professional Reporter and Notary Public, in the Delaware Correctional Center, 1181 Paddock Road, Smyrna, Delaware, on Monday, December 18, 2006, beginning at approximately 10:05 a.m., there being present:

APPEARANCES:

JIMMIE LEWIS, Pro Se

REGER, RIZZO, KAVULICH & DARNALL, LLP
RONALD W. HARTNETT, JR., ESQ.
1001 Jefferson Plaza, Suite 202
Wilmington, Delaware 19801
for Sylvia Foster, M.D.,

DEPARTMENT OF JUSTICE
GREGORY E. SMITH, ESQ.
ILONA M. KIRSHON, ESQ.
Carvel State Office Building, 7th Floor
820 North French Street
Wilmington, Delaware 19801
for Defendant.

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Jimmie Lewis

2 (Pages 2 to 5)

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<p>1 JIMMIE LEWIS, 2 the witness herein, having first been 3 duly sworn on oath, was examined and 4 testified as follows: 5 BY MR. SMITH: 6 Q. Mr. Lewis, before we get started, I just want 7 to -- you mentioned that you wanted to -- you had an 8 objection you wanted to make before we started, so I will 9 let you state that first and then I will have a few 10 ground rules that I just want to talk about with you, but 11 I will let you begin with that, if you would like. 12 A. According to the motion I received, a copy of 13 the motion, it says Dr. Foster, Johnson, Gray and Moffett 14 and Sagers, but it only has you as the representing 15 counsel. It doesn't have anybody else that was going to 16 represent Mr. -- Dr. Foster on the motion to depose -- or 17 the deposition, as to say, so I object to anybody else, 18 you know, being present in regards to representing 19 Dr. Foster when she didn't put this in a motion, herself, 20 to depose me for a deposition. 21 Q. Okay. Let me see if I can just -- if we can 22 clarify just a couple things. I just want to make sure, 23 are you saying that you don't feel like anyone else is 24 allowed to even be here or anyone else is allowed to ask</p>	<p>1 deposed by Dr. Foster, only received the order that 2 granted you the ability to depose me for deposition at 3 this point. So -- 4 MR. HARTNETT: Well, I mean, the 5 position of Dr. Foster would be that, obviously, as a 6 party to this matter, if a deposition has been scheduled 7 by another party in the matter, then, obviously, 8 Dr. Foster has an opportunity and a right to be present 9 and to ask questions to ensure that judicial economy is 10 maintained, so, that way, we wouldn't have to come back 11 at a separate time and do a separate deposition, and, 12 therefore, that's the purpose for us to be here today so 13 we take care of everything all at once. 14 In addition, you know, I would note that 15 I am here on behalf of the attorney of record, Carol 16 Antoff, covering this deposition. I am a member of her 17 firm, and I have been asked, due to a scheduling 18 conflict, to attend this deposition on her behalf. And, 19 you know, in light of the fact that Dr. Foster is a party 20 to this matter and we are the attorneys of record for 21 Dr. Foster, then we, obviously, have a right and an 22 opportunity to come to this deposition. Despite the fact 23 that it was not our party that called the deposition, we 24 have a right to be here and ask questions of the</p>
Page 3	Page 5
<p>1 you questions? 2 A. Ask me questions in regards to Dr. Foster's 3 position. 4 Q. You don't have an objection to Dr. Foster's 5 attorney being here; you have an objection to him asking 6 you questions as part of the deposition? 7 A. At this point, I am going to say I object to 8 him being here as well. 9 Q. Just so you know, part of the ground rules, 10 actually, if the parties wanted to be here, they could 11 be, too, but, obviously, they are not. But any party 12 that's represented by counsel is allowed to have, you 13 know, their counsel here. So, hopefully, you are not 14 going to, you know, that's not going to be a real issue 15 for you, but I certainly -- you know, you have made your 16 objection for the record. 17 A. It's on the record. 18 Q. And that, that way, if you want to bring that 19 up with Judge Sleet afterwards, I am certainly not 20 telling you that you can't. I am going to let 21 Dr. Foster's attorney respond to, I guess, your objection 22 to having him ask any questions since that's not really 23 directed to me. 24 A. Yeah. I received no order for -- to be</p>	<p>1 plaintiff to ensure everything is dealt with at one time 2 rather than have to come back for a second opportunity. 3 THE WITNESS: With all that being said, 4 I still object to -- what's your name? 5 MR. HARTNETT: Ron Hartnett. 6 THE WITNESS: -- to Mr. Ron Hartnett 7 asking me any questions in regards to the deposition 8 that's been ordered by Judge Sleet today. 9 BY MR. SMITH: 10 Q. I am going to be starting off, Mr. Lewis. I 11 just want to give you some of the basics for a 12 deposition. I have a chance to ask you some questions, 13 and then, obviously, you are the one who is giving the 14 answers. This is all being recorded by the court 15 reporter, so we have to make sure that, you know, we 16 respect one another's, you know, chance as we are talking 17 and not talk over one another since she can only record 18 one person at a time. 19 If you don't understand a question that 20 I am asking you, you know, please don't -- don't answer 21 something if you don't understand it. Please say, "I 22 don't understand," and I will do my best to refine the 23 question; otherwise, we have to assume that if you have 24 answered the question, that you understood what it was.</p>

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3 (Pages 6 to 9)

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<p>1 Hopefully, that sounds fair to you.</p> <p>2 A. I understand that. I agree.</p> <p>3 Q. And if it comes a point in time -- I don't</p> <p>4 know how long this deposition will run, if it comes a</p> <p>5 point in time you need a break to use the rest room, you</p> <p>6 know, please just, you know, say, "Can I have a break for</p> <p>7 that purpose?", and we will certainly accommodate that.</p> <p>8 A. I am an adult.</p> <p>9 Q. Okay.</p> <p>10 My name is Greg Smith. I am a Deputy</p> <p>11 Attorney General. I am representing the four state</p> <p>12 employees whom you have sued in this matter, Ryan</p> <p>13 Johnson, David Moffett, Lance Sagers, and Robert Gray.</p> <p>14 This is my co-counsel, Ilona Kirshon,</p> <p>15 who is also a Deputy Attorney General and she also</p> <p>16 represents those defendants. She is not going to be</p> <p>17 asking you any questions today. She is just here to</p> <p>18 observe.</p> <p>19 So, with that, I guess we will get</p> <p>20 started.</p> <p>21 I am going to focus mainly on what I am</p> <p>22 going to refer to as the second amended complaint that</p> <p>23 you signed on March 17 of 2006.</p> <p>24 A. Yes sir, roughly.</p>	<p>1 Q. How long were you at DPC?</p> <p>2 A. Close to -- close to five weeks, from May 21st</p> <p>3 of 2004 to June 25th, 2004.</p> <p>4 Q. Do you know why you were at the DPC?</p> <p>5 A. To be evaluated for competency -- for</p> <p>6 competency evaluation to determine my ability to assist</p> <p>7 counsel and for treatment for my very well own being.</p> <p>8 Q. Where were you before you came to the DPC?</p> <p>9 A. I was at the Howard R. Young Correctional</p> <p>10 Institution, formerly known as the -- I was at the Howard</p> <p>11 Young Correctional Institution.</p> <p>12 Q. Gander Hill?</p> <p>13 A. Gander Hill, yes.</p> <p>14 Q. And you can certainly refer to it that way and</p> <p>15 I will know what that is.</p> <p>16 A. Okay.</p> <p>17 Q. And why were you at Gander Hill?</p> <p>18 A. For criminal offenses.</p> <p>19 Q. And the transfer from Gander Hill to DPC, that</p> <p>20 was related to your criminal offenses?</p> <p>21 A. Yes. It was -- it was related to me -- my</p> <p>22 issues regarding competency at the time.</p> <p>23 Q. Were you -- if you don't know what that phrase</p> <p>24 is, please tell me -- were you a pretrial detainee at the</p>
Page 7	Page 9
<p>1 Q. Are you familiar with that document?</p> <p>2 A. Yes.</p> <p>3 Q. Who wrote that complaint?</p> <p>4 A. I did.</p> <p>5 Q. Did anyone assist you in writing the</p> <p>6 complaint?</p> <p>7 A. No one at all.</p> <p>8 Q. And where were you when you wrote the</p> <p>9 complaint?</p> <p>10 A. I was here in the Delaware Correctional Center</p> <p>11 in my cell, in my assigned cell.</p> <p>12 Q. Now, the defendants that you listed in the</p> <p>13 complaint were Dr. Foster, Lance -- and the way you</p> <p>14 spelled it in the complaint was Sapiers, S-a-p-i-e-r-s,</p> <p>15 David Moffett, Mr. Johnson one, Mr. Johnson two, and</p> <p>16 Robert Gray; is that correct?</p> <p>17 A. Yes, initially. But I modified -- I amended</p> <p>18 it. It was amended -- are you talking about the amended</p> <p>19 complaint or the original complaint?</p> <p>20 Q. The second amended complaint.</p> <p>21 A. Is that how it's spelled?</p> <p>22 Q. Let me check. That's correct. That's how it</p> <p>23 was spelled? DPC, do you know what that stands for?</p> <p>24 A. Delaware Psychiatric Center.</p>	<p>1 time you were transferred from Gander Hill to DPC?</p> <p>2 A. No. I had already been adjudicated guilty.</p> <p>3 Q. You were then a sentenced inmate at that time?</p> <p>4 A. No. I don't understand if I am still -- at</p> <p>5 this point, I don't understand if I was -- if I am a</p> <p>6 pretrial -- if I am pretrial before I get sentenced,</p> <p>7 then, yes, I was still pretrial because I wasn't yet</p> <p>8 sentenced but I was already adjudicated guilty. That's</p> <p>9 the gray area for me.</p> <p>10 Q. Thank you. I apologize for that. You had</p> <p>11 already had your trial at that time?</p> <p>12 A. Yes, October 21st to October 23rd of 2003.</p> <p>13 Q. But you had not yet been sentenced as a result</p> <p>14 of that trial?</p> <p>15 A. Correct.</p> <p>16 Q. I apologize for that. I did not mean that as</p> <p>17 a trick question.</p> <p>18 Did do you anything while you were at</p> <p>19 Gander Hill that resulted in your transfer to DPC?</p> <p>20 A. I -- that's irrelevant. I find that to be</p> <p>21 irrelevant towards the conditions -- the situation that's</p> <p>22 regarding the plaintiffs -- the defendants, I am saying.</p> <p>23 I object to that line of questioning, I should say.</p> <p>24 Q. And you have a right to register an objection.</p>

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4 (Pages 10 to 13)

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<p>1 A. Yes.</p> <p>2 Q. Generally speaking, the way this works is your</p> <p>3 objection is then noted for the record so that you have</p> <p>4 preserved that right.</p> <p>5 A. I reserved that right.</p> <p>6 Q. Yes.</p> <p>7 A. Okay.</p> <p>8 Q. I would ask you to still go ahead and answer</p> <p>9 that with your objection preserved.</p> <p>10 A. I am still going to object. I don't want to</p> <p>11 answer that question.</p> <p>12 Q. Were you involved in any attempt to commit</p> <p>13 suicide while you were at Gander Hill?</p> <p>14 A. Is this relevant towards the conditions of the</p> <p>15 situation that I am being deposed? What's the relevancy</p> <p>16 towards the line of questioning on that? Why is that</p> <p>17 relevant towards, you know, what happened at the Delaware</p> <p>18 Psychiatric Center is what I am asking?</p> <p>19 Q. Why you got to DPC is certainly relevant to</p> <p>20 why you were there, especially in the light of the</p> <p>21 allegations, and, particularly --</p> <p>22 A. I reserve that right. I think that's an issue</p> <p>23 that should be reserved for trial.</p> <p>24 Q. Now, Mr. Lewis, just so you understand, this</p>	<p>1 A. Yes.</p> <p>2 Q. Are you familiar with Mr. Sagers?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know what he looks like?</p> <p>5 A. Yes.</p> <p>6 Q. Would you be willing to describe him for me?</p> <p>7 A. About 5'10", medium build, 175 to 190 pounds,</p> <p>8 Caucasian male, maybe 30 years old, fair complexion,</p> <p>9 like, sandy blonde hair. I don't know if he has -- he is</p> <p>10 a brunette or a blonde. I don't remember the color of</p> <p>11 his hair. I would know him if I seen him.</p> <p>12 Q. David Moffett?</p> <p>13 A. Yes.</p> <p>14 Q. Are you familiar with Mr. Moffett?</p> <p>15 A. Yes.</p> <p>16 Q. And what does Mr. Moffett look like?</p> <p>17 A. Mr. Moffett is about 6'2" in height,</p> <p>18 African-American male, brown-skinned. That's about it.</p> <p>19 I would recognize him if I seen him.</p> <p>20 Q. Brian Johnson, what's Mr. Johnson look like?</p> <p>21 A. Brian Johnson is about 5'11", 190 pounds,</p> <p>22 Caucasian male, and I would recognize him if I seen him</p> <p>23 as well.</p> <p>24 Q. Robert Gray, are you familiar with Mr. Gray?</p>
Page 11	Page 13
<p>1 is our chance to ask you questions in advance of trial.</p> <p>2 A. I understand that. I am fully aware of that.</p> <p>3 Q. And you understand that if you refuse to</p> <p>4 answer something at the deposition, then --</p> <p>5 A. You can put a motion to the judge to have him</p> <p>6 to force me to answer the question.</p> <p>7 Q. Yes.</p> <p>8 A. If it's relevant towards, you know, the</p> <p>9 deposition.</p> <p>10 Q. Yes. And one sanction of a refusal to answer</p> <p>11 would be that you would not be able to bring up</p> <p>12 information at trial if you refuse to answer questions</p> <p>13 about it during the deposition. I just want to make sure</p> <p>14 you understand that.</p> <p>15 A. Let me think. What's the question again?</p> <p>16 Q. I asked whether you had attempted to commit</p> <p>17 suicide at any time while you were at Gander Hill before</p> <p>18 you were transferred to DPC?</p> <p>19 A. I am going to reserve the right on that</p> <p>20 question.</p> <p>21 Q. Let's talk some about the individuals whom I</p> <p>22 represent in this case. Lance Sagers.</p> <p>23 A. Yes.</p> <p>24 Q. Are you familiar with Mr. Sagers?</p>	<p>1 A. Yes.</p> <p>2 Q. What does Mr. Gray look like?</p> <p>3 A. Mr. Gray is about 5'6", 5'7", about 190</p> <p>4 pounds, African-American male. At the time I remember</p> <p>5 him, he had dreadlocks, you know, in his -- for a</p> <p>6 hairstyle, brown-skinned. I would recognize him if I</p> <p>7 seen him as well.</p> <p>8 Q. And may I just ask you to describe yourself,</p> <p>9 height, weight.</p> <p>10 A. 6'1", dark brown skin, bald-headed, mustache,</p> <p>11 goatee, about 210 pounds.</p> <p>12 Q. In the second amended complaint that I</p> <p>13 referred to earlier, you provided a statement of facts in</p> <p>14 there that was broken down into eight different parts.</p> <p>15 A. Yes.</p> <p>16 Q. What I am going to be doing, just so you have</p> <p>17 some idea of where we are going, I am going to talk to</p> <p>18 you about each one of those different parts and how they</p> <p>19 relate to the individuals whom I represent.</p> <p>20 Do you have a copy of that complaint in</p> <p>21 front of you right now?</p> <p>22 A. Yes, I do.</p> <p>23 Q. If you want to have it available to look at,</p> <p>24 please do at this time.</p>

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5 (Pages 14 to 17)

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<p>1 A. Okay.</p> <p>2 Q. Certainly, you know, don't hesitate, since I</p> <p>3 will be asking you some questions about it.</p> <p>4 A. Okay. I wrote it, so I pretty much know what</p> <p>5 it is.</p> <p>6 Q. Let me turn your attention to the first part</p> <p>7 of the complaint.</p> <p>8 Would you disagree that that first, what</p> <p>9 you have labeled as No. 1, nothing in that first part of</p> <p>10 your complaint alleges any misconduct on the part of</p> <p>11 Lance Sagers, David Moffett, Brian Johnson, or Robert</p> <p>12 Gray?</p> <p>13 A. I reserve the right on that question.</p> <p>14 Q. Now, Mr. Lewis, this is very much -- there is</p> <p>15 no question that this is relevant to the complaint. This</p> <p>16 is your complaint.</p> <p>17 A. My question -- I am -- if it's something</p> <p>18 that's dealing with what Mr. Gray and Mr. Sagers done to</p> <p>19 me, do you understand what I am saying, if you can</p> <p>20 specifically identify something specific instead of in</p> <p>21 general, I will answer -- I will be glad to answer your</p> <p>22 question. You are asking me an in general question that</p> <p>23 causes me to speculate and I am not going to do that.</p> <p>24 Q. Mr. Lewis, I am not asking you to speculate.</p>	<p>1 Q. Mr. Lewis, from my reading of that complaint,</p> <p>2 none of those defendants are mentioned by name in part</p> <p>3 one of your complaint.</p> <p>4 A. Mm-hmm.</p> <p>5 Q. Do you agree with that statement?</p> <p>6 A. At this point, discovery has -- may reveal</p> <p>7 that those individuals were involved in situations that</p> <p>8 occurred throughout the course of that complaint, so,</p> <p>9 therefore, you know what I am saying, I am not going to</p> <p>10 say that they weren't involved in situations where I was</p> <p>11 unconstitutionally violated.</p> <p>12 Q. Mr. Lewis, I am not trying to get you to talk</p> <p>13 about the whole complaint, just that first part.</p> <p>14 A. You spoke earlier -- you mentioned</p> <p>15 specifically that it was broken down into eight points</p> <p>16 and that you was going to question me on each point.</p> <p>17 Q. Right.</p> <p>18 A. So I would -- in the focus of my thoughts, I</p> <p>19 will answer your questions.</p> <p>20 Q. Mr. Lewis, I certainly acknowledge that you</p> <p>21 have their names written in many parts of the complaint,</p> <p>22 but right now, I am just trying to get you to focus on</p> <p>23 that first part; okay, so that we can deal with, in an</p> <p>24 orderly fashion, who you have alleged to have been</p>
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<p>1 That's why I thought you might want to have the complaint</p> <p>2 open in front of you.</p> <p>3 A. Yes.</p> <p>4 Q. Do you want me to hand you a copy of it?</p> <p>5 A. No. I need you to be more specific in your</p> <p>6 question, your line of questioning, sir.</p> <p>7 Q. I would like you to look at the first part of</p> <p>8 your complaint, what you have labeled as No. 1 within</p> <p>9 your statement of facts; okay.</p> <p>10 A. I heard your question. I heard what you said</p> <p>11 initially. What I am telling you is that your question</p> <p>12 was too general and too broad for me to give you a</p> <p>13 specific answer to an in general question.</p> <p>14 Q. Is there anything in that paragraph that</p> <p>15 relates to the four individuals whom I represent?</p> <p>16 A. I reserve the right on that question because</p> <p>17 it's too in general and it's not -- it's -- for me to</p> <p>18 give you a specific question -- a specific answer.</p> <p>19 Q. So, you are refusing to answer that question?</p> <p>20 A. I reserve the right to answer. I reserve my</p> <p>21 right on that. It's too in general. You have to be more</p> <p>22 specific, sir.</p> <p>23 Q. I will be a little more specific, then.</p> <p>24 A. Yes.</p>	<p>1 involved in conduct; okay?</p> <p>2 A. Yes.</p> <p>3 Q. With that in mind, are you willing to answer</p> <p>4 the question that I have asked you?</p> <p>5 A. You have to pose the question in a manner that</p> <p>6 is not so in general that I would have to speculate on</p> <p>7 facts that have not been forthcoming throughout the</p> <p>8 course of this discovery process.</p> <p>9 Q. Mr. Lewis, I am not asking you to speculate.</p> <p>10 A. Okay.</p> <p>11 Q. I am just talking about what you put in</p> <p>12 writing in that first part of your complaint. All I am</p> <p>13 asking you is that in that first part of the --</p> <p>14 A. They may very well have been involved in</p> <p>15 situations throughout -- that I have depicted in each</p> <p>16 eight sections as you have depicted it in the complaint.</p> <p>17 Q. In each of the eight sections, you are saying?</p> <p>18 A. That's what you said initially, and I am</p> <p>19 answering it in that -- in that format. They may very</p> <p>20 well be individuals that were involved in violating my</p> <p>21 constitutional rights throughout the course of, as you</p> <p>22 say, the eight parts that constitute all or construct the</p> <p>23 complaint itself.</p> <p>24 Q. Since you said you have a copy of it in front</p>

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6 (Pages 18 to 21)

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<p>1 of you, I am going to ask you to turn to that first, what 2 I have been referring to here as the first portion of 3 your complaint. Can you look at that for me, please? 4 A. Yes. Okay. I have it. 5 Q. You have it in front of you? 6 A. Yes. 7 Q. Can I ask you to read that, please, beginning 8 with, "I arrived at the Delaware Psychiatric"? 9 A. I am willing to answer questions. If you have 10 a question that you want to ask me, then I will answer a 11 question. 12 Q. Yes, I do. My question is: Will you please 13 read this paragraph for me? 14 A. I reserve the right -- I reserve that. I 15 am -- 16 Q. You are refusing to even read your own 17 complaint? 18 A. Yes, at this point. The first page, yes. 19 Q. Mr. Lewis, let me refer you now to the second 20 part of your complaint. 21 A. Is that the second page? 22 Q. Yes. It has a pound sign two? 23 A. Yes. 24 Q. Is it fair to say that this paragraph is</p>	<p>1 So, you know what I am saying -- but, at this time, you 2 know, I reserve the right because, you know, we are still 3 in the discovery process. 4 If you can't specify anything more 5 specific than what -- than, you know, just the general 6 reading of -- because that's like fact-finding process, 7 it's fact-finding process that we must, you know, that 8 must be completed and we are still in the fact-finding 9 process, so I don't want, you know, to say something 10 that's binding and say that the individuals were not 11 involved in the situation that took place on 6/6, 2004, 12 when, in fact, they may very well have been. 13 Do you understand what I am saying? 14 Q. I do. 15 A. Yes. 16 Q. Mr. Lewis, who is James Floyd? 17 A. James Floyd is a person that was a patient 18 that was at the Delaware Psychiatric Center while I was 19 there. 20 Q. What happened with James Floyd on June 6th of 21 2004? 22 A. I reserve the right to answer that question. 23 Q. Mr. Lewis, you understand you are refusing to 24 answer any basic facts about your own complaint? You are</p>
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<p>1 talking about allegations that you have raised on June 2 6th of 2004, regarding an individual by the name of James 3 Floyd? 4 A. That issue seems to be directed for 5 Dr. Foster, and I refuse to answer that question. I 6 retain the right to answer that. That just seems to be 7 directed for Dr. Foster, so I am, you know, I don't see 8 the relevancy in answering the questions regarding 9 Dr. Foster when the motion to depose has been for other 10 defendants other than Dr. Foster at this point. 11 Q. So, the second portion is about Dr. Foster? 12 A. I am saying that you are -- you are asking me 13 about situations that aren't specifically identifying the 14 defendants who you are saying that you are here to 15 represent at this point. 16 Q. So, paragraph two doesn't deal with any of my 17 defendants? 18 A. I am not saying that. What I am saying is 19 that you are not specifying what it is that you -- or why 20 you are asking me this in regards to the defendants that 21 you are here to depose me on. Do you understand what I 22 am saying? They may very well be involved with this 23 situation that took place on 6/6, 2004, but discovery 24 hasn't, you know, made that forthcoming at this time.</p>	<p>1 stating for the record that you will not talk about what 2 happened between you and James Floyd on June 6th of 2004? 3 A. What I am saying is: If you can't 4 specifically point out to me the relevancy to why it's 5 relevant towards the defendants who you are here to 6 depose me -- to why you put the motion to depose me on, I 7 am going to reserve the right for the fact-finding 8 process. 9 Q. Mr. Lewis, you have made allegations against 10 individuals whom I represent. I am trying to find out 11 what it is that you have alleged they have done wrong to 12 you. You have to answer these questions. This is very 13 much relevant to the case. 14 A. In what manner? 15 Q. Mr. Lewis, you have said that they have 16 violated your constitutional rights. I am trying to find 17 out how, as a result of something that happened between 18 you and James Floyd, how my clients allegedly violated 19 your constitutional rights? That's the relevance of this 20 question. 21 Now, with that said, do you still refuse 22 to answer the question? 23 A. What I am saying, if you can't specifically 24 point --</p>

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7 (Pages 22 to 25)

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<p>1 Q. I just specifically pointed out.</p> <p>2 A. I am going to say that I reserve the right to</p> <p>3 answer that question. I think that's a fact-finding</p> <p>4 process that need to be determined in, you know,</p> <p>5 discovery. You know, at this point, we are still in the</p> <p>6 discovery process, and I can't specify specifically that</p> <p>7 your clients weren't involved with the situation that</p> <p>8 took place on 6/6, 2004, regarding, you know,</p> <p>9 constitutional violations that I alleged on that date.</p> <p>10 Q. Let's talk about part three of the second</p> <p>11 amended complaint.</p> <p>12 Do you have that in front of you?</p> <p>13 A. Pound three?</p> <p>14 Q. Yes, please.</p> <p>15 A. Yes.</p> <p>16 Q. And just to make sure we are both referring to</p> <p>17 the same thing, it begins, "At the Delaware Psychiatric</p> <p>18 Center, Delaware, on or about 6/9, 2004"?</p> <p>19 A. Yes.</p> <p>20 Q. Is it fair to say that this portion of your</p> <p>21 complaint deals with shaving your head, in part?</p> <p>22 A. As a religious writ, yes.</p> <p>23 Q. What's your religious affiliation?</p> <p>24 A. I reserve the right to answer that question at</p>	<p>1 assigned to passing out razors or assigned to enforcing</p> <p>2 the rules and regulations that I may add that I never</p> <p>3 received, the rule books that I never received; do you</p> <p>4 understand what I am saying? So, at this point, this is</p> <p>5 why I am saying I am not going to specifically say that</p> <p>6 they were individuals that did not, you know, prevent me</p> <p>7 from practicing my religious right.</p> <p>8 Q. Did Brian Johnson have anything to do with</p> <p>9 shaving your hair?</p> <p>10 A. No, not at all.</p> <p>11 Q. Did Robert Gray have anything to do with</p> <p>12 shaving your hair?</p> <p>13 A. I reserve the right, at this point, to answer</p> <p>14 that question. Brian Johnson had nothing to do with it.</p> <p>15 Brian Johnson was not affiliated with the situation at</p> <p>16 that point.</p> <p>17 Q. Now, a part of your complaint focuses on the</p> <p>18 psychiatric evaluation of doctor -- conducted by</p> <p>19 Dr. Foster, correct?</p> <p>20 A. Yes.</p> <p>21 Q. Did Lance Sagers have anything to do with</p> <p>22 Dr. Foster's psychiatric evaluation of you?</p> <p>23 A. Yes.</p> <p>24 Q. What did Mr. Sagers have to do with</p>
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<p>1 this point.</p> <p>2 Q. Now, Mr. Lewis, in your complaint, you state</p> <p>3 that you are a Hebrew Israelite; is that correct?</p> <p>4 A. If that's what's stated, yes.</p> <p>5 Q. Is that your religious affiliation?</p> <p>6 A. Yes.</p> <p>7 Q. What is a Hebrew Israelite?</p> <p>8 A. I am going to reserve the right to answer that</p> <p>9 question at this point.</p> <p>10 Q. As a result of being a Hebrew Israelite, how</p> <p>11 did that impact on your hair?</p> <p>12 A. I reserve the right to answer that question.</p> <p>13 Q. Did Lance Sagers have anything to do with</p> <p>14 shaving your hair?</p> <p>15 A. Subsequently, I spoke with several staff</p> <p>16 members regarding that matter, and, at this point, I am</p> <p>17 not specifically -- I am not going to say that he wasn't</p> <p>18 one of the individuals who I spoke with at that time</p> <p>19 regarding that issue, so I am going to reserve the right</p> <p>20 to answer that.</p> <p>21 Q. Did David Moffett have anything to do with</p> <p>22 shaving your hair?</p> <p>23 A. The defendants work at the Delaware</p> <p>24 Psychiatric Center and they were individuals who were</p>	<p>1 Dr. Foster's evaluation of you?</p> <p>2 A. He made notes inside the doctor's notes,</p> <p>3 progress notes, and that reflected upon my -- the psych</p> <p>4 report that was submitted to the Superior Court. And he</p> <p>5 committed other acts that were also taken into</p> <p>6 consideration in regards to Dr. Foster, Dr. Foster's</p> <p>7 evaluation.</p> <p>8 Q. Where are these notes that you mentioned that</p> <p>9 Mr. Sagers, you say, were --</p> <p>10 A. They were sent to me via discovery.</p> <p>11 Q. And where?</p> <p>12 A. Pardon me? I don't understand exactly what</p> <p>13 you are saying.</p> <p>14 Q. Where did Mr. Sagers write the notes?</p> <p>15 A. At the Delaware Psychiatric Center.</p> <p>16 Q. And in what document did he make these notes?</p> <p>17 A. The progress notes, the doctor's progress</p> <p>18 notes that -- that's what they -- it's something that the</p> <p>19 doctor would look at and be able to reflect upon with</p> <p>20 what has been said about my behavior and what has been</p> <p>21 said about my psychiatric, psychological, mental health</p> <p>22 condition during the course of my stay while I was at the</p> <p>23 Delaware Psychiatric Center.</p> <p>24 Q. Would that have been part of your medical file</p>

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8 (Pages 26 to 29)

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<p>1 at DPC?</p> <p>2 A. Yes.</p> <p>3 Q. And do you have that with you today?</p> <p>4 A. Not -- no. I didn't bring the medical</p> <p>5 records. Did you?</p> <p>6 Q. I have the medical records that you attached</p> <p>7 to your complaint.</p> <p>8 A. Okay.</p> <p>9 Q. I did not bring everything in discovery that's</p> <p>10 been provided to you.</p> <p>11 A. Okay.</p> <p>12 Q. Do you recall what Mr. Sagers, you say, wrote</p> <p>13 in the progress notes that affected Dr. Foster's</p> <p>14 psychiatric evaluation of you?</p> <p>15 A. I would have to -- I would have to reflect</p> <p>16 upon the doctor's notes to be specific, and I don't want</p> <p>17 to misquote and say something that Mr. Sagers did not</p> <p>18 say, so I am going to reserve the right to answer that</p> <p>19 question at this point.</p> <p>20 Q. How many times did Mr. Sagers write something</p> <p>21 in your progress notes that impacted Dr. Foster's</p> <p>22 evaluation of you?</p> <p>23 A. To my -- to my recollection, at least three to</p> <p>24 four times, and that's off the top -- and don't, you</p>	<p>1 evaluation of you?</p> <p>2 A. Yes.</p> <p>3 Q. How is Mr. Gray involved?</p> <p>4 A. He submitted notes regarding my behavior, my</p> <p>5 psychological condition, my mental health, my physical</p> <p>6 health upon the progress notes, and, therefore, those</p> <p>7 notes were reviewed by Dr. Foster in conducting her</p> <p>8 evaluation.</p> <p>9 Q. Finally, Brian Johnson, was Mr. Johnson</p> <p>10 involved in any way with Dr. Foster's psychiatric</p> <p>11 evaluation?</p> <p>12 A. All the discovery material hasn't been</p> <p>13 forthcoming at this point, and I can't identify</p> <p>14 specifically if Mr. Johnson was or was not, you know,</p> <p>15 offered anything that Dr. Foster took into consideration</p> <p>16 when she authored the psychiatric evaluation. So I</p> <p>17 reserve the right to answer that question at this point.</p> <p>18 Q. The third part of your complaint, is it fair</p> <p>19 to say that it does not list Lance Sagers, David Moffett,</p> <p>20 Brian Johnson, and Robert Gray by name?</p> <p>21 A. Yes.</p> <p>22 Q. And let's talk about the fourth part of your</p> <p>23 second amended complaint.</p> <p>24 Can I ask you to read that first</p>
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<p>1 know, don't hold me to that, you know, per se, but, to my</p> <p>2 recollection, that's about -- about as many times as I</p> <p>3 can, you know, recall off the top of my head.</p> <p>4 Q. And without trying to ask you to quote</p> <p>5 directly what those statements were, generally speaking,</p> <p>6 what notes are you saying Mr. Sagers made that impacted</p> <p>7 on Dr. Foster's evaluation?</p> <p>8 A. I was going to ask -- that's going to have to</p> <p>9 -- I will have to answer that with being -- with</p> <p>10 specifying what it is that, you know, that I thought that</p> <p>11 he said. I am not going to do that, you know what I am</p> <p>12 saying? I don't want to violate Mr. Sagers in any way by</p> <p>13 falsely accusing him of something that he didn't do, so I</p> <p>14 reserve the right to answer that question.</p> <p>15 Q. David Moffett, did Mr. Moffett have anything</p> <p>16 to do with Dr. Foster's evaluation of you?</p> <p>17 A. At this point, I can't say. I haven't been</p> <p>18 provided with all the documents and all necessary -- or</p> <p>19 all affidavits that have -- that was before Dr. Foster,</p> <p>20 and, at this point, Dr. Foster has failed to answer</p> <p>21 discovery requests that I presented to her, so I can't --</p> <p>22 I can't -- I can't specifically say yes or no at this</p> <p>23 point, so I reserve the right to answer that question.</p> <p>24 Q. Robert Gray, was he involved with Dr. Foster's</p>	<p>1 paragraph, please?</p> <p>2 A. I don't want to.</p> <p>3 Q. Is it a fair statement that the fourth</p> <p>4 paragraph deals generally with a, what I will call,</p> <p>5 laundry room incident on June 14th of 2004?</p> <p>6 A. Well, that day, it was -- it was particularly</p> <p>7 the same day that I complained -- that's the latter part</p> <p>8 of the day in regards to the incident with Moffett,</p> <p>9 Mr. Gray, Mr. Sagers, and another DPC nurse assistant who</p> <p>10 I have come to understand his name as being Mr. Evans,</p> <p>11 which was -- which just was probably a few hours earlier,</p> <p>12 so, it was -- it's the totality of everything that took</p> <p>13 place throughout the course of the 14th of June of 2004.</p> <p>14 But it specifically, you know, deals with, you know, the</p> <p>15 incident, you know, so I can identify because I had to</p> <p>16 specify, you know, that, you know, when Mr. Brian Johnson</p> <p>17 became involved, was kind of like, you know, at the</p> <p>18 latter part of that day.</p> <p>19 Q. The latter part of which day?</p> <p>20 A. Of 6/14, 2004.</p> <p>21 Q. How did you have any interaction with Brian</p> <p>22 Johnson that day?</p> <p>23 A. Well, he was -- he was called, as he told me</p> <p>24 on our 20-minute conversation, he was called for</p>

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9 (Pages 30 to 33)

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1 assistance to come to the Mitchell building because of
2 claims of my extreme agitation.

3 Q. At approximately what time of the day did this
4 20-minute conversation with Mr. Johnson take place?

5 A. At or about -- between 10:30 -- no, about
6 10:45, 11:00, until a quarter after 11. Around that
7 time.

8 Q. And where, at the Mitchell building, did this
9 take place?

10 A. At room 71. I was located -- I was assigned
11 to room 71 on the north side, if I am not mistaken, of
12 the Mitchell building, and I was at the doorway where
13 they -- actually, they woke me up, you know, they woke me
14 up and things of that nature.

15 Q. You said, "They woke you up"; who woke you up?

16 A. Well, the nurse, a male nurse, a male nurse
17 and Mr. Johnson and someone else. I can't recall exactly
18 who that person was. As a matter of fact, I don't even
19 know who the male nurse name is. That's still pending
20 discovery. I am trying to get that forthcoming.

21 Q. Who is Clarence Oates?

22 A. He is a nurse's assistant that works at the
23 Delaware Psychiatric Center, about 6'3", 6'4", 270, 80
24 pounds, African-American male, bald-headed, dark-skinned,

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1 dark brown skin. I would recognize him if I seen him.

2 Q. What, if any, interaction did you have with
3 Mr. Oates on June 14th of 2004?

4 A. This -- it was -- it was, basically, I was
5 trying to get my clothes out of the laundry room, and
6 Mr. Oates, who had just came on duty, because I had just
7 came out of the room, I was just, you know, I had just
8 came out my room and my clothing were in the laundry room
9 and I went to the laundry room to retrieve my clothes
10 that was in the dryer, and, at that time, I had an
11 encounter with Mr. Oates.

12 Q. Do you have the ability to do your own laundry
13 at the Mitchell building?

14 A. Yes. They allow us to -- that privilege.

15 Q. And, so, what were you doing in the laundry
16 room?

17 A. I hadn't made it to the laundry room. I was
18 attempting to retrieve my clothes out of the dryer.

19 Q. You were on the way -- on your way to the
20 laundry room?

21 A. Yes. From -- from my -- from my room, I
22 walked down the hall -- from room 71, I walked down the
23 hall to -- en route to the laundry room.

24 Q. Had you already started laundry or were you

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1 just about to start laundry?

2 A. My laundry had been started before I had went
3 to snack, which was around 8:00 that day, but,
4 subsequently, I was -- I had encountered some situations
5 earlier that day, as described in -- as described in No.
6 5, I believe, in pound five of the complaint, which is
7 basically chronologically incorrect according to the --
8 as far as the numbers and how I documented them. And I
9 had put the clothes in the laundry at that time and put
10 them in the dryer -- well, before we went to snack, I had
11 put the clothes in the washing machine -- before we went
12 to snack, I put the clothes in the dryer.

13 So by the time I came out of the
14 isolation room and things of that nature, and, you know,
15 was -- went to my room, I was in my room resting, it
16 dawned on me, My clothes that I needed to wear were still
17 in the dryer. They was dry. They was already dry.

18 Q. What happened as you approached the laundry
19 room to collect your clothing?

20 A. Mr. Oates confronted me in an aggressive
21 manner, directed -- directed me to go into the bathroom
22 because he -- he wanted to get physical, he wanted some
23 kind of physical confrontation, and I kept seeing him
24 looking over my shoulder -- I don't know if it's my right

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1 or left shoulder -- so I look around and I seen Helen
2 Hanlon, and, at that time, she made some type of gesture,
3 and he told me -- he instructed me to go back to my room.

4 Q. Who is Helen Hanlon?

5 A. Helen Hanlon is a nurse that works at the
6 Delaware Psychiatric Center.

7 Q. What happened after you say Miss Hanlon made
8 some motion to Mr. Oates?

9 A. Well, they -- they basically -- she came on to
10 the unit and -- because I was still trying to say -- I
11 was trying to tell her I need my clothes so I could put
12 them on for the next day and I just wanted to collect
13 them out of the laundry room, and, so, she just -- she
14 said, "Just go to your room," and she instructed me to go
15 to my room, which I did without further incident.

16 Q. And what happened after you went to your room?

17 A. Tucked in -- tucked in the bed and went to
18 sleep. I was still feeling the effects of the
19 psychotropic medications that I had received earlier via
20 injection, inadvertent -- you know, intravenously
21 injected with psychotropic medications earlier that day
22 which wasn't even a half hour after I came out the
23 isolation room, after I was let out the isolation room, I
24 should say.

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10 (Pages 34 to 37)

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1 Q. Now, you mentioned earlier that you had some
2 20-minute conversation with Mr. Johnson.

3 A. Well --

4 Q. When did that take place?

5 A. That was after the situation that, you know,
6 me being instructed to go back to the room.

7 Q. Because you said you tucked in.

8 A. Listen. After I was instructed to go back to
9 my room, I tucked in, and about shortly thereafter, you
10 know, I was resting 15 minutes, then that's when
11 Mr. Johnson, male nurse, and someone else came to my
12 assigned room, room 71, and awoke me and was explaining
13 to me that they were -- they were here because there were
14 reports of -- that I was extremely agitated.

15 Q. Was anyone else in the room with you?

16 A. I was assigned a room by myself.

17 Q. Did this conversation with Mr. Johnson and the
18 two other individuals take place with the door open or
19 with the door closed?

20 A. The door was open.

21 Q. What was the tone of the conversation?

22 A. It was very civil, in the manner that we are
23 speaking here today.

24 Q. And what was the result of this conversation?

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1 A. They informed me that it was an order to give
2 me psychotropic medications. I informed Mr. Johnson, who
3 was actually the more civil of, you know, of the other
4 individuals, you know, because he was the one that was
5 really talking to me, and I was telling him, I was
6 telling him, "I don't need any medication. I just came
7 out of the isolation room. Is there some kind of
8 mistake. I just came out of there." I kept asking him.

9 He was like, "No, the doctor ordered you
10 to have an injection." I said, "This can't be so," so I
11 didn't know -- I said, "Maybe you have to call the doctor
12 back and see, you know, if this is some kind of error or
13 mistake because I was just -- I am" -- and he knew that I
14 was, he had woke me up out of the bed, so, you know, he
15 kind of figured that something was incorrect.

16 I believe he was assessing me to be
17 agitated, to see if I was agitated, and I don't believe
18 that he thought I was. And we spoke for -- for the most
19 part, the 20 minutes, and, you know, where, you know,
20 there was no yelling, there was no cursing, there was no,
21 you know, inappropriate behavior at that time.

22 Q. What happened next?

23 A. The male nurse who was there left, so he was
24 -- he was, you know, he was basically standing idly by as

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1 me and Mr. Johnson was talking, so I believed that he was
2 going to call the nurse -- I mean call the doctor, pardon
3 me. I believe he was going to call the doctor, you know,
4 to -- to see if, in fact, I did -- you know, if, you
5 know, if I still should be given any psychotropic
6 medications. And -- but about, like I said, throughout
7 the course of that, he was gone for like ten minutes, you
8 know, he left in the course of about ten minutes of me
9 and Mr. Johnson talking, he was gone ten minutes. When
10 he returned, he returned with five or six other people.

11 Q. Do you know who these five or six other people
12 were?

13 A. I understand that they were staff members of
14 the psychiatric center, the Delaware Psychiatric Center.

15 Q. Was Lance Sagers one of those five or six
16 other people?

17 A. No.

18 Q. Was David Moffett one of those five or six
19 other people?

20 A. No.

21 Q. Was Robert Gray one of those five or six other
22 people?

23 A. No.

24 Q. After this group arrived, what happened next?

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1 A. They informed me that it was a standing order
2 to give me an injection of psychotropic medications, and
3 I informed them that I did not want to be given any
4 psychotropic medications, and I, you know, that if they
5 was going to take me to give me psychotropic medications
6 it would be against my will, but that's what happened
7 anyway.

8 They all laid hands on me, Mr. Johnson,
9 Mr. Brian Johnson, the male nurse, and three or four
10 other staff members, you know, took hold of me, and it
11 wasn't much force needed to be used, but it was force
12 because it was against my will, and I let them know that.
13 They took me down there and held me down.

14 Q. You said, "Took me down there."

15 A. To the isolation room.

16 Q. The isolation room?

17 A. Yes.

18 Q. How far is the isolation room from room 71
19 where you were housed?

20 A. Thirty feet, 40 feet.

21 Q. Did you walk under your own willpower?

22 A. It wasn't -- it was against my will.

23 Q. I will rephrase that.

24 A. I was walking. I was on my feet but I was

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11 (Pages 38 to 41)

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<p>1 being forcibly moved along against my will by the hands 2 of the individuals who had took -- who had grabbed hold 3 of me.</p> <p>4 Q. You were at least walking? You were not dead 5 weight being dragged?</p> <p>6 A. No. I was being pulled along.</p> <p>7 Q. What happened once you reached the isolation 8 room?</p> <p>9 A. They held me down, the male nurse injected me 10 with psychotropic medications, and then he pulled my 11 pants down, things of that nature, and injected me with 12 psychotropic medications.</p> <p>13 Immediately thereafter, I was taken back 14 to my room, and, I mean, if it was a situation where I 15 was extremely agitated, it would seem as though I would 16 have -- I wouldn't have been taken immediately back to 17 the room if I was extremely agitated, but that's what 18 happened.</p> <p>19 Q. Where were you injected?</p> <p>20 A. In my buttocks.</p> <p>21 Q. And that was, you said that your pants were 22 pulled down?</p> <p>23 A. Yes.</p> <p>24 Q. You said it was the male nurse who did the</p>	<p>1 migraine headaches, burst of amnesia, insomnia, swollen 2 tongue at the time, body tremors, ear ringing, audio and 3 video hallucinations, nerve and brain damage resulting 4 from brain cells being killed, loss of cognitive and 5 volitional functions that caused me to not be as 6 forthcoming with my hygiene, matters of hygiene. My 7 social conduct was affected. I say etiquette, history, 8 and culture issues were also affected as a result of me 9 not being in the same state of mind that I initially was 10 during the time when I was hallucinating and having 11 visual and audio hallucinations.</p> <p>12 Q. Now, when were you placed in four point 13 restraints as a result of this incident?</p> <p>14 A. I believe at the time I was taken to the 15 isolation room.</p> <p>16 Q. So, when you were taken to the isolation room, 17 you were placed in four point restraints?</p> <p>18 A. Maybe. Maybe not.</p> <p>19 Q. You are not sure whether you were placed in 20 four point restraints?</p> <p>21 A. Absolutely not sure. That was something that 22 I reflected upon the discovery information, and I believe 23 that I was four point restrained. Like I said, I was 24 still -- I was still under -- I was still, you know,</p>
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<p>1 injection?</p> <p>2 A. Yes.</p> <p>3 Q. Was Brian Johnson in the room when this took 4 place?</p> <p>5 A. Yes. He had hands on holding me down when the 6 male nurse committed this act against me.</p> <p>7 Q. Did you have to be carried back to room 71 8 after that?</p> <p>9 A. No. They escorted me, though, with their 10 presence, no hands on, just presence.</p> <p>11 Q. What injuries did you suffer as a result of 12 this injection?</p> <p>13 A. Can I refer to the complaint?</p> <p>14 Q. Sure.</p> <p>15 A. I was bleeding as a result from the needle 16 breaking and bruising my skin. My skin was bruised. My 17 butt checks -- I was bruised on my buttocks. I had 18 swollen wrists and ankles. Pardon me.</p> <p>19 Q. May I just ask you: From what part of the 20 complaint are you reading?</p> <p>21 A. Pound four.</p> <p>22 Q. And is that at pound four P3?</p> <p>23 A. Yes. Swollen wrists and ankles due to the 24 tight four point restraints, persisting and reoccurring</p>	<p>1 subjected to the effects of the psychotropic medications 2 that I had -- that had been -- that I had been subject to 3 earlier that day, so I could be misquoted on a point that 4 I was four point restrained. I could be misquoting that, 5 and I admit that.</p> <p>6 Q. You talked about audio hallucinations. 7 Can you explain what an audio 8 hallucination is?</p> <p>9 A. Hearing things that I can't recognize where 10 the sound is actually coming from.</p> <p>11 Q. And a visual hallucination?</p> <p>12 A. Seeing things that I can't factually identify 13 as actually there.</p> <p>14 Q. How long did you --</p> <p>15 A. Or someone else can't factually identify as 16 there as well. I am only experiencing that visual sight; 17 no one else is.</p> <p>18 Q. Can you give me an example of when you had one 19 of these visual hallucinations?</p> <p>20 A. I am going to reserve the right to answer that 21 question.</p> <p>22 Q. You said that you had numerous brain cells 23 that were killed; is that a fair statement of how you 24 just testified?</p>

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12 (Pages 42 to 45)

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<p>1 A. Yes.</p> <p>2 Q. How do you know you had brain cells that were</p> <p>3 killed?</p> <p>4 A. Because of the effects that occurred to me</p> <p>5 after I received the psychotropic drugs and the way that</p> <p>6 they affected me.</p> <p>7 Q. Have you been seen by another doctor who has</p> <p>8 informed you that you had loss of brain cells?</p> <p>9 A. No.</p> <p>10 Q. And you mentioned, I guess, your personal</p> <p>11 hygiene was affected.</p> <p>12 Can you explain a little bit more what</p> <p>13 you mean by that?</p> <p>14 A. Basically, you know, I was like lethargic.</p> <p>15 When it was time for me -- I knew the time to get up to</p> <p>16 go to take care of hygiene, I felt as though, you know,</p> <p>17 that wasn't an issue and matter that I needed to address</p> <p>18 at that time and I knew that it was an effect -- that was</p> <p>19 an effect that wasn't my normal, you know -- it wasn't</p> <p>20 normal for me, and I only become that way after I</p> <p>21 received those drugs, psychotropic drugs intravenously.</p> <p>22 Q. When I think of personal hygiene, I think of</p> <p>23 things like brushing one's teeth, taking a shower,</p> <p>24 combing hair, dressing.</p>	<p>1 moment to familiarize yourself again with that part?</p> <p>2 A. I wrote it. I am familiar.</p> <p>3 Q. I just meant to refresh your memory of what</p> <p>4 you had written. That's all.</p> <p>5 A. Okay.</p> <p>6 Q. Now, the first sentence there, "At the</p> <p>7 Delaware Psychiatric Center on or about June 14, 2004,</p> <p>8 during the 8:00 p.m. snack break in the dining hall, I</p> <p>9 was eating a bag of M&M chocolate candy"; is that timing</p> <p>10 correct?</p> <p>11 A. About, yes. At or about 8:00.</p> <p>12 Q. 8:00 in the evening on June 14?</p> <p>13 A. Yes.</p> <p>14 Q. Now, when we just talked about part four of</p> <p>15 the complaint, you said that the incident with the --</p> <p>16 being intercepted on the way to the laundry room took</p> <p>17 place the morning after this incident?</p> <p>18 A. Yes.</p> <p>19 Q. Am I misunderstanding something, or I thought</p> <p>20 part four mentioned that that took place the morning of</p> <p>21 June 14th?</p> <p>22 A. In my interpretation, I said -- I said the</p> <p>23 morning of the 14th, but I should have basically been</p> <p>24 saying the morning of the 15th.</p>
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<p>1 A. All the above, yes.</p> <p>2 Q. So, that's your understanding of that as well?</p> <p>3 A. Correct.</p> <p>4 Q. Did you stop doing any of those things as a</p> <p>5 result?</p> <p>6 A. Yes.</p> <p>7 Q. Which of those things did you stop doing?</p> <p>8 A. Well, I don't have it here.</p> <p>9 Q. Yes. That's why I started off by way of</p> <p>10 example.</p> <p>11 A. But as far as bathing, showering, and, you</p> <p>12 know, brushing teeth and stuff like that during the</p> <p>13 course when everybody else, my peers, you know, would do</p> <p>14 it, like, in the morning, you know, before we would take</p> <p>15 vitals and stuff like that, I would just want to just lay</p> <p>16 in the bed and just, you know, I didn't feel like, you</p> <p>17 know, nothing else mattered. I just felt like</p> <p>18 hopelessness and things of that nature. And I was</p> <p>19 experiencing hallucinations and things.</p> <p>20 It was just -- I was withdrawing and I</p> <p>21 felt, you know -- I felt unlike myself. And as a result,</p> <p>22 my hygiene -- my hygiene suffered.</p> <p>23 Q. Let me turn your attention to part five of the</p> <p>24 second amended complaint. Do you want me to give you</p>	<p>1 Q. Okay.</p> <p>2 A. The early a.m. hours. Sometimes I always get</p> <p>3 them confused when I was coming up. I never was able to</p> <p>4 differentiate between the morning and, you know, the</p> <p>5 evening, and still sometimes even the evening, right now,</p> <p>6 I am still -- I don't know -- what is the evening? Is it</p> <p>7 4:00 or 6:00? You know, like that. So I was confused in</p> <p>8 regards to my depiction of interpreting what the morning</p> <p>9 was.</p> <p>10 Q. So, the laundry room incident, you meant</p> <p>11 actually June 15th? I am not trying to put words in your</p> <p>12 mouth.</p> <p>13 A. No. I was actually seen -- Mr. Johnson -- I</p> <p>14 actually seen Mr. Johnson on the evening, 11 p.m., at or</p> <p>15 about 11 p.m. on 6/14, 2004, but it carried on until the</p> <p>16 morning of June 15th, 2004, after this incident depicted</p> <p>17 in pound five of the amended complaint.</p> <p>18 Q. Now, my understanding was you testified that</p> <p>19 Mr. Johnson came to your door the morning after this</p> <p>20 other incident that we are about to get to.</p> <p>21 A. Yes.</p> <p>22 Q. And spoke with you for about 20 minutes.</p> <p>23 A. Yes.</p> <p>24 Q. Now, are you saying he also came and spoke</p>

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13 (Pages 46 to 49)

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<p>1 with you at some time previous to that 20-minute 2 conversation? 3 A. No. No. 4 Q. But you are saying that did take place in the 5 morning? 6 A. I am saying that took place in the latter part 7 of June 14th, before -- before June 15th. 11 p.m., 12 8 p.m., that would be the morning, at 1 p.m., like that. I 9 seen him at around 11 or something, at or about 11 p.m. 10 of June 14th. When I say "the morning," I am meaning 11 that to mean after -- at 12:00 would be June 15th. 12 Q. Yes. So, when you wrote, in paragraph four, 13 "On or about June 14, 2004, at about 10:45 a.m." 14 A. Yes. Did I say a.m.? 15 Q. "Staff member Oates came in"; is the "a.m." 16 incorrect? 17 A. Yes, it is. 18 Q. By that, did you mean p.m.? 19 A. Yes. That's a -- that's a typo, as they would 20 say. That is an error. 21 Q. Thank you for clearing that up. 22 A. Yes. 23 Q. Let's go back to the -- what you have here as 24 eight p.m. June 14, 2004, from the dining hall.</p>	<p>1 room? 2 A. Seven, maybe. More. 3 Q. With tables around each of the -- with chairs 4 around each of the tables? 5 A. Yes. 6 Q. Is it fair to say there is not a whole lot of 7 open space in the room? 8 A. It's pretty spacious. 9 Q. Even though -- 10 A. Not a whole lot of open space. It's designed 11 for a dining hall. 12 Q. You stated that you were eating a bag of M&M 13 chocolate candy? 14 A. Yes. 15 Q. And you say, "I gave a fellow inmate patient, 16 named James Smith, one dollar to purchase for me." 17 Who is James Smith? 18 A. He was a fellow inmate patient who was there 19 with me during the course of my stay at Delaware 20 Psychiatric Center. 21 Q. How well did you know him? 22 A. I was acquainted -- I was just an associate -- 23 associated with him from being -- from -- during my stay, 24 from my stay at Delaware Psychiatric Center.</p>
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<p>1 Where is the dining hall? 2 A. The dining hall is in the corridor outside of 3 the north wing on the Mitchell building. It's in the 4 corridor. 5 Q. What's the basic setup of the room? 6 A. Pardon me? 7 Q. How is the room set up? 8 A. Chairs and tables, juice machine, coffee 9 machine. 10 Q. Can you give me any approximate dimensions? 11 And I am not trying to hold you to specific numbers, but 12 compared to this room, and I am not going to -- I know we 13 don't have the dimensions of this room -- bigger, 14 smaller, or about the same size as the room we are in 15 now? 16 A. Smaller. You didn't depict how big this room 17 is. 18 Q. Right. And I am not -- Mr. Lewis, this is not 19 meant to be a trick question. I am just trying to get a 20 visual. 21 A. Fifteen by -- 15 by 15 feet. 22 Q. And, again, I promise I am not trying to hold 23 you to those dimensions; okay? 24 Approximately how many tables in the</p>	<p>1 Q. Just somebody you met while you were at DPC? 2 A. Correct. 3 Q. You didn't know him from the outside? 4 A. No. 5 Q. What does Mr. Smith look like? 6 A. Brown-skinned, African-American male, maybe 7 5'7", 5'8". He was young, so he was probably still 8 growing, about 140 pounds, slim guy. I would recognize 9 him if I seen him. 10 Q. Why did you give him a dollar to purchase M&M 11 for you? 12 A. I was unconstitutionally placed on vending 13 machine restriction, and I wanted to eat some M&Ms. I 14 wanted snacks like everybody else. I didn't feel as 15 though it was fair for me to be, you know, denied the 16 privilege of snacks and watch everyone else eat snacks 17 and be denied snacks. So -- 18 Q. At the DPC, you had access to their vending 19 machines within the building? 20 A. Yes. 21 Q. And these vending machines sold candy and 22 snacks? 23 A. Yes. 24 Q. And you were allowed to have money on your</p>

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14 (Pages 50 to 53)

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<p>1 person under normal circumstances?</p> <p>2 A. Yes.</p> <p>3 Q. Is that something that's different from being</p> <p>4 in prison?</p> <p>5 A. Yes.</p> <p>6 Q. Do you know why you were placed on vending</p> <p>7 machine restriction?</p> <p>8 A. Without reflecting on the records -- I believe</p> <p>9 it was an incident with Mr. Floyd attacked me because he</p> <p>10 wanted a chef salad like mines. He, at the time, only</p> <p>11 had a regular salad, a tossed salad, and the chef salad</p> <p>12 that was prescribed for me was -- was -- it was his envy,</p> <p>13 and throughout the course of him trying to be prescribed</p> <p>14 a chef salad, you know, he was -- he was angry, upset, or</p> <p>15 whatever it may have been, but, yet, those facts were</p> <p>16 never, you know, you know, examined by Dr. Foster or</p> <p>17 anyone else, you know what I mean, in regards to, you</p> <p>18 know, why I was placed on vending machine restriction.</p> <p>19 He lunged at me and attacked at me because he didn't have</p> <p>20 a salad. That's the only thing I can interpret.</p> <p>21 But to specifically identify exactly</p> <p>22 why, he would have to tell you. This is -- I am telling</p> <p>23 you what I think, you know, but not what I can say</p> <p>24 factually according to what he may say.</p>	<p>1 I tend to be, you know, a little bit more mental in</p> <p>2 regards to my psychological conditions.</p> <p>3 Q. After you had been placed on vending machine</p> <p>4 restriction, what did that prohibit you from doing?</p> <p>5 A. From obtaining personally, from going into the</p> <p>6 area where the vending machines were located to purchase</p> <p>7 vending -- to purchase the products that are available.</p> <p>8 Q. So, but you believed that if you gave somebody</p> <p>9 else money, that you would be -- it was still okay for</p> <p>10 you to have access to the vending machines that way?</p> <p>11 A. Yes.</p> <p>12 Q. That was your understanding?</p> <p>13 A. Yes. I don't believe it was, you know,</p> <p>14 significant enough to be assaulted and things of that</p> <p>15 nature for being in possession of a product purchased</p> <p>16 from the vending machine.</p> <p>17 Q. So, what happened after Mr. Smith got these</p> <p>18 M&Ms for you?</p> <p>19 A. We sat at the table and we were eating our</p> <p>20 snacks.</p> <p>21 Q. While you were sitting at a table eating the</p> <p>22 M&Ms, what happened next?</p> <p>23 A. Helen Hanlon recognized that I was eating some</p> <p>24 M&Ms. She called to me and got my attention and asked me</p>
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<p>1 Q. Help me out. What is a chef's salad?</p> <p>2 A. A chef salad contains chunks of cheese, chunks</p> <p>3 of turkey, chunks of tomatoes. It had lettuce. It had</p> <p>4 boiled egg, sliced boiled egg in it.</p> <p>5 Q. And the other kind of salad you mentioned was</p> <p>6 a tossed salad?</p> <p>7 A. Which was basically just lettuce, unions,</p> <p>8 cucumbers, and tomatoes.</p> <p>9 Q. And were these served to you in the dining</p> <p>10 hall?</p> <p>11 A. Yes, during meal times and snack times if it</p> <p>12 was prescribed, which mine was prescribed because I have</p> <p>13 a certain diet, that I don't -- a lot of foods, I don't</p> <p>14 eat, you know, so the dietitian prescribed me the chef</p> <p>15 salad because I don't eat a lot of different foods like</p> <p>16 everybody else, pork and yeast and stuff of that nature,</p> <p>17 things of that nature, according to my religious</p> <p>18 affiliation. So she -- you know, she -- plus I had -- I</p> <p>19 got irritable bowels, so it was -- it was all -- and</p> <p>20 hypertension as well, I have.</p> <p>21 So, the chef salad was, you know, it</p> <p>22 helped me. It helped me fulfill my religious obligations</p> <p>23 as well as my physical and psychological because once my</p> <p>24 -- I have recognized my blood pressure goes up, you know,</p>	<p>1 to throw the M&Ms in the trash. And I said --</p> <p>2 Q. What happened next?</p> <p>3 A. I said, "No. I just purchased these. I want</p> <p>4 them. I love M&Ms. I am not going to throw these away.</p> <p>5 I just used my dollar to purchase these."</p> <p>6 Q. And what happened after you did not throw them</p> <p>7 away?</p> <p>8 A. She became irate and very angry, got on the</p> <p>9 walkie-talkie, and called for emergency assistance. In</p> <p>10 came Mr. Moffett, Mr. Sagers, Mr. Evans, and Mr. Gray,</p> <p>11 bewildered as to what the emergency was because the scene</p> <p>12 was so serene upon them entering into the dining hall.</p> <p>13 They was like, What's going on? What's going on? They</p> <p>14 was really amped up like, you know, What's happened?</p> <p>15 This is supposed to be an emergency. But it wasn't no</p> <p>16 emergency.</p> <p>17 Q. Would you describe the tone of your</p> <p>18 conversation with Ms. Hanlon?</p> <p>19 A. In the same manner that we are speaking here</p> <p>20 today. She asked me to throw away the M&Ms, and I said</p> <p>21 "No. I want to eat them. I love M&Ms. I want them. I</p> <p>22 just paid for them."</p> <p>23 Q. So, it was not emotional? No cursing?</p> <p>24 A. Not at all. I don't -- I very seldom use</p>

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15 (Pages 54 to 57)

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1 profanity.

2 Q. And is that -- how long have you seldom used
3 profanity?

4 A. All my life. I don't -- I don't use profanity
5 like that, specifically for no reason whatsoever.

6 Q. After these individuals came into the dining
7 hall, what happened next?

8 A. They -- they became -- they was bewildered and
9 they was asking, you know, Helen Hanlon, the nurse, you
10 know, What's the problem? What's the issue? You know,
11 they were looking around as if to say, You called us here
12 for nothing.

13 And she identified the situation by
14 telling them, in an angry tone, "Mr. Lewis is on vending
15 machine restriction. He is not allowed to have them
16 M&Ms." You know? And they like -- then she was like --
17 hold up. Yeah, "He is not allowed to have M&Ms." Then
18 she was like, Get them from him. As a matter of fact,
19 she said, "Get them." That was her order to them.

20 Q. After Ms. Hanlon said that, then what
21 happened?

22 A. They surrounded me. Mr. Gray -- Mr. Moffett
23 was to my left. Mr. Gray walked his way around me
24 towards the back of me. Mr. Moffett was on the left of

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1 me -- actually, that's what occurred -- but I felt --

2 when I fell back, I think I fell back more so because
3 Mr. Gray was -- he was like -- he was like -- I don't
4 know if he was, like, tugging at my neck and he was
5 choking me. And I was telling them I couldn't breathe.
6 I was mumbling, "I can't breathe. I can't breathe.
7 Stop. Stop."

8 So, in the process of my falling back, I
9 was, like, on Mr. Gray, and that's when they start
10 hitting me and punching me and kicking me with their fist
11 and hands.

12 Q. Who punched you?

13 A. Mr. Moffett, Mr. Sagers, and Mr. Evans is who
14 I identified as being Mr. Johnson, I believe -- I believe
15 -- I didn't know why I thought his name was Mr. Johnson,
16 but it came to me that that's -- it was Mr. Evans, a
17 short guy, about 5'5", brown-skinned, bald-headed.

18 Q. So Mr. Johnson was not there?

19 A. Mr. Brian Johnson -- nobody named Mr. Johnson
20 was there. The person identified as John Doe, a/k/a,
21 Mr. Johnson, I am now identifying as Mr. Evans, 5'5",
22 brown-skinned, bald head, African-American male, and I
23 would recognize him if I seen him.

24 Q. And who do you say kicked you?

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1 me. Mr. Evans was on the right of me. Mr. Sagers was in
2 front of me. Mr. Gray abruptly grabbed me around my
3 throat with his arms and began choking me. So I was,
4 like, spread out, because Mr. Evans had grabbed my right
5 arm and Mr. Moffett had grabbed my left arm. And at that
6 point, I was, you know -- I kind of like stood up in the
7 process of Mr. Gray because he was, like, he was tugging
8 me. Oh, I can't breathe. I can't breathe.

9 Q. You were seated when this started?

10 A. Yes. Because he, like, grabbed me. You know,
11 he grabbed me, and during the course of me getting up and
12 telling him, I can't breathe, I can't breathe, he was
13 tugging and he was choking me because I had just placed a
14 few M&Ms in my mouth. I was chewing. He had them, like,
15 in my throat and I was trying to swallow them. I didn't
16 know he was going to grab me. He was, like, behind me.
17 I didn't know he was going to grab me or nothing.

18 So, as I was like -- I was almost lifted
19 up to a degree because I felt as though that that would
20 alleviate the pressure for him choking me, and I was, you
21 know, lifted up with one of my arms. I was basically,
22 you know, I was at their mercy. And, at that time, by
23 the time I was, like, fully standing up, that's when
24 Sagers grabbed my legs, he was like, like he was tackling

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1 A. Mr. Moffett, Mr. Evans, and Sagers was well on
2 the way on me. He was basically almost on top of me
3 because he was, like, on my knees and on my legs and he
4 was punching upon my chest. And after about a few
5 minutes, I kind of let the M&Ms go and they stopped.
6 They stopped.

7 I remembered thinking, "Damn, it's like
8 they robbed me for my M&Ms." I really wanted my M&Ms. I
9 remember thinking that after the incident happened. And
10 I remember thinking it was like they robbed me from my
11 M&Ms, and I was really upset, at the time, more so than
12 anything else because that's why I, you know, I was
13 holding on. I was holding on to them. I said, "Damn, I
14 better let these M&Ms go because they are putting a
15 whipping on me."

16 Q. So, you said Mr. Sagers tackled you from down
17 below, was then on top of you, and punched you in your
18 chest area?

19 A. I was facing upward because Mr. Gray was
20 behind me. I don't know how Mr. Gray was. I guess he
21 was falling towards me and I was laying on top of him.
22 Mr. Evans was on my right. Mr. -- Mr. Moffett was on my
23 left. And Sagers was basically in front of me. And they
24 all commenced to punch and kick me from those positions.

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16 (Pages 58 to 61)

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1 Q. Where did Mr. Moffett hit you?

2 A. Kicked me upon my chest, upon my face, and
3 punched me upon my -- in my head, things of that nature.

4 Q. How many times?

5 A. I am looking at him -- I am looking at him
6 because I couldn't do much because one of them had my
7 hands, one was choking me on my neck, the other one had
8 my other hand, so I was just looking at them, you know,
9 just had to basically view everything from that position.

10 Q. Were they punching you with both of their
11 hands?

12 A. No. One hand each for Mr. Johnson and
13 Mr. Evans, but Mr. Sagers was able to use both of his
14 hands and kick me, I believe kicked me in my groin as
15 well. Everybody witnessed that. They was rushing
16 everybody else, Mr. Smith, Mr. Ronald Stevens, Mr. James
17 Smith, a few other individuals who were present at the
18 time of the snack, they all viewed that. There was a
19 nurse's assistant present, too.

20 Q. So Mr. Moffett was able to hold one of your
21 arms with his arm and punch you with the other; is
22 that --

23 A. Correct.

24 Q. And then you are saying Mr. Evans --

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1 A. Yes.

2 Q. -- was doing the same on the other side?

3 A. Yes.

4 Q. And Mr. Sagers was on your legs?

5 A. For the most part, he was, like, crouched down
6 by my legs where he had already had tackled me and, you
7 know, so his body weight was, more or less, holding my
8 legs clamped down to the point where he was able to, you
9 know, lift up off me and he was waling with his hands,
10 with both hands.

11 Q. And during this time, Mr. Gray, you say, had
12 one of his arms around your neck?

13 A. He had a choke hold on me and he was
14 clenching, he kept clenching on my neck at the time, so
15 that's what I was focused on more so than anything, was
16 trying to breathe, you know, as far as, you know, what
17 was immediate to him and, you know, but, yeah, they was
18 all -- they all went to work on me.

19 Q. But Mr. Gray, himself, was on the floor and
20 you were on top of him; is that --

21 A. Yes.

22 Q. And then on top of you was Mr. Sagers?

23 A. Yes, on my legs.

24 Q. Just on your legs?

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1 A. Yes.

2 Q. So, Mr. Sagers' weight would not have been on
3 top of you as well as Mr. Gray?

4 A. I would assume so. Maybe.

5 Q. You think Mr. Sagers was -- his weight was on
6 both of you?

7 A. I couldn't -- I couldn't tell you exactly if
8 Mr. Gray would say that Mr. Sagers was on -- weight was
9 on him, but his weight was on me.

10 Q. And how long do you say that you were held
11 down, punched, and kicked?

12 A. Close to two minutes. It was -- it was an
13 eternity, actually. It was quite a long time because I
14 couldn't -- I couldn't do nothing back. I couldn't
15 defend myself. I was open to all the blows and kicks and
16 stuff. I couldn't do nothing. So it seemed like
17 eternity.

18 Q. What happened at the end of these two minutes?

19 A. I released the M&Ms, and they, like, almost
20 simultaneously stopped punching and kicking me. It was,
21 you know, they was -- when Miss Hanlon told them to get
22 the M&Ms, that was their missions and their duty. That's
23 what they was after, they was after them M&Ms, and I let
24 them go. When I let them go, they dropped to the floor,

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1 what was remaining in the bag, and all over the floor
2 like marbles and things like that.

3 And, so, Mr. Gray was -- maneuvered his
4 body, I don't know how -- I don't know if I was pulled or
5 whatever, but he was kind of like on top of me now. Now
6 he took me around and he was, like, on top of me and had
7 me up, and they was like, "Ease up. Ease up." They kept
8 telling him, "Ease up." They was like, "Are you all
9 right? Are you all right?" I am like, "I can't breathe.
10 I can't breathe." And he was easing up to a point that
11 they was talking to me at that point.

12 Q. Who was saying, "Ease up"?

13 A. I couldn't tell you. At that point, my face
14 was facing towards the floor now. It was like the
15 maneuver had changed.

16 Q. Someone other than Mr. Gray?

17 A. Mr. Gray was saying -- was saying something
18 into my ear because he was right close to me, he was
19 right up on me and stuff like that, but yes, it was
20 someone other than Mr. Gray, to answer your question.

21 Q. And let me back up. What kind of M&Ms were
22 these?

23 A. M&M candy, chocolate M&Ms.

24 Q. Peanuts, plain, peanut butter?

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17 (Pages 62 to 65)

Page 62	Page 64
<p>1 A. It didn't matter to me. I love them both.</p> <p>2 They were M&M candies.</p> <p>3 Q. Do you remember what kind they were?</p> <p>4 A. Specifically?</p> <p>5 Q. Yes.</p> <p>6 A. I don't know what kind they were. I know they</p> <p>7 were M&M candies and I was -- and they were mine and I</p> <p>8 purchased them with the dollar that I gave Mr. James</p> <p>9 Smith.</p> <p>10 Q. After you were up on your feet, what happened</p> <p>11 next?</p> <p>12 A. That was about five minutes later because they</p> <p>13 kept me there and they had to wait until everybody else</p> <p>14 got off the unit and went on to the Mil-U (phonetic), so</p> <p>15 we stayed there for a while with Mr. -- Mr. Gray on my</p> <p>16 back and the other nurse's assistant standing around,</p> <p>17 Miss Helen Hanlon and them, they was just standing there.</p> <p>18 Q. So Mr. Gray stayed on your back for</p> <p>19 approximately five minutes?</p> <p>20 A. I don't know if it was approximately, but it</p> <p>21 was -- it was at or about that amount of time. And I</p> <p>22 stayed there on the floor.</p> <p>23 Q. And he had his weight on you for that period</p> <p>24 of time?</p>	<p>1 A. Forcibly.</p> <p>2 Q. Okay. Were you being dragged?</p> <p>3 A. No. I was being directed with -- with -- by</p> <p>4 hands and things of that nature that was directing me,</p> <p>5 you know. I wasn't being dragged. I wasn't, you know</p> <p>6 what I mean, I wasn't like that. I wasn't dead weight or</p> <p>7 nothing. I wasn't being carried on the stretcher or</p> <p>8 nothing, but they were pulling me like, you know, you are</p> <p>9 coming with us regardless if you want to or not, in that</p> <p>10 manner.</p> <p>11 Q. During this whole incident, did you say</p> <p>12 anything?</p> <p>13 A. I said, "Why are you all -- why are you all</p> <p>14 doing this to me? Why are you all doing this to me?"</p> <p>15 Things of that nature. "Why are you all doing this to</p> <p>16 me?"</p> <p>17 Q. Were you swearing at all during this?</p> <p>18 A. No.</p> <p>19 Q. So, despite being punched and kicked, you did</p> <p>20 not swear even during this incident?</p> <p>21 A. The most thing I was concerned about during</p> <p>22 the course of the time when I was being actually</p> <p>23 physically assaulted was I couldn't breathe. That was my</p> <p>24 primary focus at the point as far as, you know, me being</p>
Page 63	Page 65
<p>1 A. More so on my back at that time to hold me</p> <p>2 down.</p> <p>3 Q. And your understanding was, during that period</p> <p>4 of time, staff cleared the room of other patients?</p> <p>5 A. Well, I can see them because -- all right, the</p> <p>6 way I was, right, I was close to the door and I can see</p> <p>7 them -- I could see their feet leaving out. I could see</p> <p>8 people leaving out. I could hear them talking but --</p> <p>9 plus by me being in a position that I was in, I could</p> <p>10 almost see people, you know, but I wasn't paying</p> <p>11 attention to them. I was basically getting blown in the</p> <p>12 face but I could still see because my eyes were open.</p> <p>13 Q. So, now, after this period of time and the</p> <p>14 room having cleared, what happens next?</p> <p>15 A. They help me to my feet and they escorted me</p> <p>16 to the isolation room against my will. I am like, "I</p> <p>17 don't want to go in the isolation room." They took me</p> <p>18 anyway.</p> <p>19 Q. Were you carried or did you walk?</p> <p>20 A. I was -- I was pulled along. I was on my</p> <p>21 feet.</p> <p>22 Q. You were on your feet?</p> <p>23 A. I was pulled along.</p> <p>24 Q. Did you --</p>	<p>1 able to -- if anything I was going to say, it was going</p> <p>2 to be regarding me trying to breathe. That was first and</p> <p>3 foremost, me breathing, my being able to breathe.</p> <p>4 Q. Okay.</p> <p>5 A. That's what I was saying, "I can't breathe. I</p> <p>6 can't breathe. Stop. Stop. I can't breathe." I was in</p> <p>7 fear for me life. I thought I was going to die because I</p> <p>8 couldn't breathe.</p> <p>9 Q. How far is the isolation room from the dining</p> <p>10 hall?</p> <p>11 A. Again, about 30, 40 feet, about the same</p> <p>12 distance from room 71 to isolation is about the same</p> <p>13 distance from the isolation room to the dining hall, give</p> <p>14 or take a few more feet.</p> <p>15 Q. Approximately how long did it take to walk</p> <p>16 from the dining hall to the isolation room?</p> <p>17 A. Less than a minute.</p> <p>18 Q. Once you got into isolation room, what</p> <p>19 happened?</p> <p>20 A. I was held down. I believe I was four-point</p> <p>21 -- I was four-point restrained, four-point restrained.</p> <p>22 Let me reflect on this complaint to see if it -- that's</p> <p>23 what I said. Yes, I was four-point restrained.</p> <p>24 Q. Who placed you in the four-point restraints?</p>

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18 (Pages 66 to 69)

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1 A. The staff.

2 Q. Do you know which staff members?

3 A. Sagers, Moffett, Gray, Helen Hanlon, they all
4 had part in -- and Dr. Foster because she had to be
5 notified. So, you know, I am going to say Dr. Foster as
6 well.

7 Q. Was Dr. Foster there?

8 A. Well, personally, I didn't see her at that
9 time.10 Q. Just so we understand what four-point
11 restraints are: Can you describe the isolation room for
12 me?13 A. It's a room, maybe six by eight feet, with a
14 bunk in the middle of the room and a little window for
15 observation and it has a corridor outside of it with
16 adjoining bathroom -- where the bathroom is inside that
17 corridor, toilet, sink, things of that nature.18 Q. So, then, when you were placed in four-point
19 restraints, is that on the bunk?20 A. That's on the bunk with straps, Velcro straps,
21 things of that nature.22 Q. And where are those four restraints physically
23 placed on your body?

24 A. On my -- my ankles, my left ankle, right

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1 ankle, right wrist, left wrist.

2 Q. And how long were you placed in four-point
3 restraints on this evening?4 A. At least two hours, to my recollection,
5 two-and-a-half hours, maybe. I believe it was about two
6 hours, two-and-a-half hours.7 Q. Was this the first time you had ever been
8 placed in four-point restraints?9 A. No, not at the Delaware Psychiatric Center,
10 but throughout the course of my life, me being placed in
11 four-point restraints, it was the first time it ever
12 occurred to me was at the Delaware Psychiatric Center.
13 That's the first time that ever happened to me where
14 somebody placed me in four-point restraints. It never
15 happened to me before in my life until I got to the
16 Delaware Psychiatric Center, if that's what you mean.

17 Q. That's fair.

18 So, at the Delaware Psychiatric Center,
19 prior to this -- the M&M incident, you had been placed in
20 four-point restraints?

21 A. Never.

22 Q. Never?

23 A. Never before.

24 Q. So that day was the first day, both in your

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1 life and at DPC, that you were placed in four-point
2 restraints?3 A. I am not saying that either. What I am saying
4 is I was placed in four-point restraints prior to that
5 day at the Delaware Psychiatric but not prior in my life
6 to anyone else prior to coming to the Delaware
7 Psychiatric Center.

8 Q. Sometime earlier that same day?

9 A. No. At an earlier date, earlier dates.

10 Q. Maybe it's my own confusion.

11 A. Earlier dates at the Delaware Psychiatric
12 Center.13 Q. So, sometime between the date you were first
14 admitted at DPC and the date we are talking about with
15 the M&M incident --16 A. 6/14, 2004, at or about 8:00 to 11:00 was not
17 my first time being placed in four-point restraints while
18 I was at the Delaware Psychiatric Center.19 Q. Were you injected with any medications when
20 you were placed in four-point restraints?21 A. Cocktails of psychotropic medications,
22 psychotropic drugs for reasons unbeknownst me. I had no
23 reasons -- there was no reason -- I didn't need no
24 psychotropic drugs. I wasn't psychotic. I wasn't, you

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1 know -- I wasn't homicidal or suicidal, so there was no
2 reason for me to be injected with psychotropic drugs, in
3 my opinion.4 Q. So, how were the -- how was this medication
5 administered to you?

6 A. Through a hyperdermic needle in my buttocks.

7 Q. Did that take place before or after you were
8 placed in the four-point restraints?9 A. It was like -- I was in the four-point
10 restraint first a while, like a little while, and then
11 they came in afterwards. I don't know if it was a half
12 hour later. I believe about a half hour later. Then
13 they came and gave me the needle.14 Q. Did you have to be taken out of the four-point
15 restraints to have the needle administered to you?16 A. No. It was given to me in my arm, I believe,
17 maybe in my arm. Maybe in my buttock. I believe it was
18 -- let me refer to the complaint. I want to be specific.19 I am talking too fast here. It says my buttocks. I
20 believe that was the primary area that they used to
21 inject me with the psychotropic medications.22 Q. Now, when you are in four-point restraints,
23 that's face up; is that correct?

24 A. Yes.

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19 (Pages 70 to 73)

Page 70	Page 72
<p>1 Q. So, you'd be laying on your back, your 2 buttocks; is that correct?</p> <p>3 A. Yes.</p> <p>4 Q. When you are in four-point restraints?</p> <p>5 A. Mm-hmm.</p> <p>6 Q. How, then, were you injected in your buttocks 7 when you were in four-point restraints?</p> <p>8 A. With a hyperdermic needle through the side of 9 the -- through the flesh on the inside of my buttocks, 10 it's still obtainable.</p> <p>11 Q. The side?</p> <p>12 A. I guess, yes.</p> <p>13 Q. Were you --</p> <p>14 A. The fleshy area of my buttocks, I should say.</p> <p>15 Q. Were you clothed or were you naked?</p> <p>16 A. They pulled my pants down every time. Every 17 time, they would pull my pants down before I was 18 injected, rub me with some kind of fluid on a piece of 19 cotton or something, and inject me, inject me with the 20 needle, stick me.</p> <p>21 Q. So you wore clothes, then, during the time you 22 were in four-point restraints?</p> <p>23 A. Yes, I would be. They would take my shoes. 24 They would take my watch. They would take my money.</p>	<p>1 me with a hyperdermic needle, no.</p> <p>2 Q. Robert Gray, did he ever inject you with 3 medications?</p> <p>4 A. He held me down, but actually injected me with 5 hypertrophic medications, no.</p> <p>6 Q. And, finally, Brian Johnson, did he ever 7 inject you with any medications?</p> <p>8 A. Held me down, but actually inject me, no.</p> <p>9 Q. Do you understand what their basic job 10 responsibilities of Lance Sagers, David Moffett, and 11 Robert Gray are?</p> <p>12 A. No.</p> <p>13 Q. Do you know what their job titles were?</p> <p>14 A. Yes.</p> <p>15 Q. And what was your understanding of their job 16 titles?</p> <p>17 A. I just told you, I don't understand -- I don't 18 know what their job titles actually are.</p> <p>19 Q. That's fine.</p> <p>20 A. Yeah.</p> <p>21 Q. You don't believe they were doctors; correct?</p> <p>22 A. No.</p> <p>23 Q. And you don't believe they were nurses; 24 correct?</p>
Page 71	Page 73
<p>1 That's -- that's what they would take. They would take 2 those things off of me and have them in another area and 3 I would be able to get them once I came out of isolation.</p> <p>4 Q. Who injected you on this occasion with the 5 medication?</p> <p>6 A. That's something I believe is forthcoming as 7 far as the discovery. Specifically -- discovery -- it's 8 -- it's in the discovery, it's in the doctor's notes, and 9 I don't have them with me at this point, but with further 10 response, let me see if I specifically identified who I 11 believe was the individual. Helen Hanlon, I believe, is 12 the individual, but I want to see specifically if that's 13 what I put down. I didn't identify Helen Hanlon, but I 14 believe that Helen Hanlon is the person who was 15 identified on the discovery as being the nurse who 16 injected me, actually injected me with the medications, 17 per Dr. Foster's order.</p> <p>18 Q. At any time while you were at the DPC, did 19 Lance Sagers ever inject you with medications?</p> <p>20 A. Held me down, but, to my knowledge, inject me 21 personally, no.</p> <p>22 Q. David Moffett, did he ever, at any time, 23 inject you with medication?</p> <p>24 A. He held me down, but personally him injecting</p>	<p>1 A. Yeah. I do.</p> <p>2 Q. You believe they were nurses?</p> <p>3 A. Yes.</p> <p>4 Q. You believe that Lance Sagers is a nurse?</p> <p>5 A. Yes.</p> <p>6 Q. You believe that David Moffett is a nurse?</p> <p>7 A. Yes.</p> <p>8 Q. You believe that Robert Gray is a nurse?</p> <p>9 A. Yes. They all took my vitals. Every last one 10 of those individuals took my vitals during the course of 11 my stay at the Delaware Psychiatric Center except for 12 Mr. Johnson. Mr. Brian Johnson was the only one who 13 didn't take vitals from me.</p> <p>14 Q. Do you believe Mr. Johnson was a nurse?</p> <p>15 A. No.</p> <p>16 Q. Were you examined by a physician at any time 17 while you were in isolation?</p> <p>18 A. No.</p> <p>19 Q. Any time after being released from isolation, 20 were you examined by a physician?</p> <p>21 A. After complaints, after grievances, after 22 duration of time have elapsed after me -- you have to be 23 more specific. I can't -- I can't answer that question 24 without you being more specific.</p>

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20 (Pages 74 to 77)

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1 Q. Let me ask this: While you were in isolation,
2 did any medical staff ever come in to observe how you
3 were doing?

4 A. During the course of my being in isolation and
5 under the influence of the psychotropic medications, a
6 lot of the times is foggy to me. Upon reviewing the
7 discovery, the doctor's notes, I seen that, you know,
8 there were shifts, but to specifically be able to say
9 that I can identify those individuals, you know what I
10 mean, and to point them out as individuals who came to
11 check on me during the course of my being confined in the
12 isolation room, I wouldn't do that.

13 Q. Without trying to ask you to identify what
14 medical staff member looked in on you during the time you
15 were in four-point restraints, do you believe that any
16 staff, any medical person came in to observe your
17 condition while you were in four-point restraints?

18 A. I reserve the right on that question.

19 Q. While you were in four-point restraints, were
20 you able to speak?

21 A. At times, yes, and at times, no. At times, my
22 tongue wouldn't move and stuff like that. I couldn't
23 control my tongue. I couldn't get words out, I don't
24 believe. I couldn't speak because I know I remember

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1 ailment, if you have a problem, you know, something is
2 hurting, are you allowed to tell the staff member, I am
3 hurting?

4 A. I imagine so, yes.

5 Q. Did you ever complain to staff members about
6 various ailments you have?

7 A. Yes.

8 Q. Did you ever complain about having
9 indigestion?

10 A. Yes.

11 Q. So, I mean, that's just a basic kind of
12 physical ailment; you agree with me on that?

13 A. Yes.

14 Q. And were you given Milk of Magnesia to help
15 you with that?

16 A. Yes.

17 Q. Now, as a result of the injuries that you say
18 you suffered from the M&M incident, did you tell any
19 members that you were in pain?

20 A. Yes.

21 Q. Who did you tell that you were in pain?

22 A. I reserve the right to answer that question.

23 Q. How many people did you tell that you were in
24 pain?

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1 thinking I had to use the bathroom and I tried to yell
2 out for somebody to come help me, but the words wouldn't
3 come out of my mouth.

4 Q. After you were -- do you know who took you out
5 of four-point restraints?

6 A. Specifically being able to identify somebody
7 without the assistance of progress notes or things of
8 that nature, I couldn't -- I wouldn't be able to
9 specifically identify.

10 Q. There, obviously, came a point in time when
11 you were released from four-point restraints?

12 A. Correct.

13 Q. After you were taken out of the four-point
14 restraints, did you remain in the isolation room or did
15 you go somewhere else?

16 A. I am going to reserve the right to answer that
17 question.

18 Q. How often would you see any staff member of
19 the Delaware Psychiatric Center in a given day?

20 A. Every 15 minutes according to my recollection.

21 Q. If you saw a staff member, were you allowed to
22 speak to a staff member?

23 A. Yes. I -- I imagine so, yes.

24 Q. And if you had -- if you have some kind of

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1 A. A few. I even filed grievances, as a matter
2 of fact. I filed a grievance in accordance to that
3 situation. So the team, as they are called, you know,
4 they collaborate together, all of them very well knew
5 that I, you know, received injuries or claimed I received
6 injuries from this situation that occurred.

7 Q. That's your treatment team?

8 A. That's what they call themselves, but I didn't
9 feel like they were mine.

10 Q. But that was the title, the treatment team?

11 A. Yes.

12 Q. Do you know who was on the treatment team?

13 A. The whole staff. They all consider themselves
14 a team.

15 Q. Did you ever sit down with members of the
16 treatment team?

17 A. Once.

18 Q. Once during the entire time you were at PC?

19 A. Maybe twice.

20 Q. What injuries do you say that you have
21 suffered as a result of the allegations that you were
22 punched and kicked during the M&M incident?

23 A. Bleeding as a result from the knee breaking
24 and bruising the skin and flesh of my buttocks, swollen

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21 (Pages 78 to 81)

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<p>1 wrists and ankles due to the tight four-point restraints, 2 swollen eye, swollen lip from being punched, a sore 3 throat for about a month due to being choked, you know, a 4 sore and bruised ribs, sore and bruised legs and arms for 5 about two months due to being kicked and punched and 6 things of that nature, persisting and reoccurring 7 migraine headaches, bouts of amnesia, I had insomnia, a 8 swollen tongue, body tremors, persistent ear ringing, 9 video and -- video and audio hallucinations, nerve and 10 brain damage that were the result of my brain cells being 11 killed, lost cognitive and volitional functions regarding 12 matters of hygiene, social conduct, etiquette, history, 13 and culture, things of that nature. Those are the basic 14 descriptions of my injuries.</p> <p>15 Q. And is it fair to say that you were willing to 16 read that from your complaint just now, part five, P3? 17 A. Yes. It's fair to say that.</p> <p>18 Q. I am going to ask you to turn your attention 19 now to part six of your complaint. I am going to refer 20 to this as the June 21st, 2004, isolation room incident. 21 I am going to give you a chance to look at this part of 22 the complaint.</p> <p>23 A. Yeah. I am familiar.</p> <p>24 Q. Where in this part of the complaint do you</p>	<p>1 Q. Is it fair to say, at this point, that 2 Mr. Sagers' name is not listed in part six of your 3 complaint? 4 A. Correct.</p> <p>5 Q. David Moffett, how was Mr. Moffett involved in 6 this June 21st, 2004, incident? 7 A. I reserve the right to answer that question 8 pending discovery.</p> <p>9 Q. Is it fair to say that Mr. Moffett's name is 10 not listed in part six of this complaint? 11 A. Correct.</p> <p>12 Q. Mr. Johnson, Mr. Brian Johnson, how is he 13 involved in the June 21st, 2004, incident? 14 A. He is not.</p> <p>15 Q. Mr. Johnson was not involved in this incident? 16 A. Not at all. For the record, Mr. Johnson was 17 only involved in the incident that occurred on 6/14 at 18 about 11:00.</p> <p>19 Q. Are you willing to tell me anything about the 20 allegations in part six, the June 21st, 2006, incident? 21 A. Yes.</p> <p>22 Q. What will you tell me happened? 23 A. If you present a specific question to me, I 24 can answer it in that format, not in an in general format</p>
Page 79	Page 81
<p>1 allege that Robert Gray was involved with this incident? 2 A. In way of further response, I am going to 3 reserve the right to answer that question at this point.</p> <p>4 Q. Is it fair to say that Mr. Gray's name does 5 not appear in this part of the complaint? 6 A. Correct. But I am not saying that he is not 7 -- he wasn't involved.</p> <p>8 Q. You are just not willing to tell me how he was 9 involved? 10 A. At this point, I reserve the right to answer 11 that question.</p> <p>12 Q. Which means you are not willing to tell me, at 13 this time, how he was involved? 14 A. Isn't that repetitive? 15 Q. Mr. Lewis, please. 16 A. I mean, I will be answering your questions but 17 you kind of like be asking me the same questions after I 18 answer your question again.</p> <p>19 Q. I am not trying to be difficult with you. 20 Mr. Sagers, how was Mr. Sagers involved 21 in the June 21st, 2004, incident you alleged? 22 A. Pending discovery, things of that nature, I am 23 going to reserve the right to answer the question at this 24 point.</p>	<p>1 but in a specific format.</p> <p>2 Q. Do you know why you were in the isolation room 3 on June 21st, 2004? 4 A. Per Dr. Foster's order.</p> <p>5 Q. Had you engaged in any behavior that placed 6 you in there? 7 A. No.</p> <p>8 Q. So, it's just you are stating that there is an 9 order from Dr. Foster that you be placed in the isolation 10 room on June 21st, 2004? 11 A. Correct.</p> <p>12 Q. For no reason whatsoever? 13 A. I didn't say -- I didn't state that.</p> <p>14 Q. Why -- 15 A. I said there was an order to place me in 16 isolation by Dr. Foster. Dr. Foster has not been 17 forthcoming in via discovery requests, so, at this point, 18 I am going to have to reserve to answer those questions. 19 She hadn't been cooperative in regards to the discovery. 20 So, you know, these questions you are asking me regarding 21 a lot of the situations pertain to situations with 22 Dr. Foster's behavior and actions continue to be a 23 mystery to, you know, continue to be a mystery via 24 discovery.</p>

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22 (Pages 82 to 85)

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1 Q. I am going to ask you to turn your attention
2 to part seven of your complaint.
3 A. Yes.
4 Q. I am going to refer to this as the June 22nd,
5 2004, isolation room incident.
6 How was Mr. Robert Gray involved in this
7 incident?
8 A. I reserve the right to answer that question
9 pending further discovery.
10 Q. Is it fair to say you do not have Mr. Gray's
11 name listed in part seven of your complaint at this time?
12 A. Correct.
13 Q. David Moffett, how is Mr. Moffett involved in
14 the June 22nd of 2004 incident?
15 A. I reserve the right to answer that question
16 pending further discovery response.
17 Q. Is it fair to say Mr. Moffett's name is not
18 listed in part seven of the complaint at this time?
19 A. Correct.
20 Q. And Mr. Lance Sagers, how is Mr. Sagers
21 involved in the June 22nd, 2004, incident?
22 A. I reserve the right to answer that question,
23 you know, pending further discovery response.
24 Q. Is it fair to say that, at this time,

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1 that question pending further discovery pretrial
2 investigation response and things of that nature.
3 Q. Is it fair to say that Mr. Moffett's name is
4 not listed in part eight of the complaint at this time?
5 A. Corrects.
6 Q. Mr. Sagers, Lance Sagers, how is he involved
7 in the June 24, 2004, incident?
8 A. I reserve the right to answer that question at
9 this point pending further discovery response.
10 Q. And is it fair to say that Mr. Sagers' name is
11 not listed in the part eight of your complaint at this
12 time?
13 A. Yes.
14 Q. And, again, that's being dually repetitive,
15 but you are not alleging that Mr. Johnson is involved in
16 the June 24th, 2004, incident; correct?
17 A. Pardon me?
18 Q. You are not alleging that Mr. Johnson is
19 involved?
20 A. Not at all. Actually, I would like to make a
21 statement about Mr. Johnson. If anyone acted any way
22 civil towards me, it was him. I think he was reluctant
23 in doing what he done, but he done it anyway. And I
24 think that, you know, if -- I don't understand why he

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1 Mr. Sagers is not listed, his name does not appear in
2 part seven of your complaint?
3 A. Correct.
4 Q. And I am not trying to be repetitive, but
5 Mr. Johnson, you previously stated he was not involved in
6 any other --
7 A. Any other incident.
8 Q. So he is not involved in the June 22nd, 2004?
9 A. Not at all.
10 Q. We are getting close to the end. Part eight,
11 I am going to refer to this as the June 24, 2004,
12 incident.
13 A. Yes.
14 Q. Mr. Robert Gray, how was he involved in this
15 incident?
16 A. I reserve the right to answer that question at
17 this point pending further discovery response.
18 Q. And is it fair to say, as the claim is written
19 at this time, that Mr. Gray's name not mentioned in part
20 eight of the complaint?
21 A. Correct.
22 Q. Mr. David Moffett, how is Mr. Moffett involved
23 in the June 24, 2004, incident?
24 A. I reserve the right to answer the -- to answer

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1 still laid hands on me still against my will, but that's
2 what happened. But he talked to me for 20 minutes and he
3 understood. He was the only one that understood that,
4 you know, maybe this guy is not, you know, extremely
5 agitated or agitated at all.
6 Q. Have you ever been involved in a fight with
7 another inmate or patient at DPC?
8 A. No. I reserve the right to answer that
9 question. I am -- I am going to check that question. I
10 reserve the right to answer that question is what I am
11 going to say.
12 Q. Have you ever been involved in a fight with an
13 inmate at Gander Hill?
14 A. I reserve the right to answer that question.
15 Q. And while you have been here at the Delaware
16 Correctional Center, have you ever been involved in a
17 fight with an inmate here?
18 A. I reserve the right to answer that question.
19 Q. While you have been at DPC, you had a --
20 various health issues for which medication was prescribed
21 for you?
22 A. That's correct.
23 Q. Have you always taken the medications that
24 have been prescribed for you while you were --

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23 (Pages 86 to 89)

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1 A. I reserve the right to answer that question at
2 this time.
3 Q. Are you familiar with the drug Effexor?
4 A. Yes.
5 Q. Was Effexor ever prescribed for you at DPC?
6 A. Yes.
7 Q. Did you ever refuse to take Effexor?
8 A. Yes, after being prescribed -- after being
9 prescribed to me and me taking it for a course of time
10 and experiencing, you know, side effects or injuries,
11 however you want to term it.
12 Q. Have you ever heard voices -- and I don't mean
13 by, obviously, you are listening to me right now -- have
14 you ever heard voices where someone is not present?
15 A. Yes.
16 Q. And how often did you hear -- have you heard
17 voices?
18 A. I reserve the right to answer that question at
19 this time.
20 Q. Are you continuing to hear voices at this
21 time?
22 A. I reserve the right to answer that question at
23 this time.
24 Q. I'd like to ask you to focus on some of the

1 door to be inappropriate behavior?
2 A. Yes, but not warranting assaults or things of
3 that nature, no, I don't think that it warrants, even if
4 it's inappropriate, I don't think someone banging on a
5 door should be assaulted because they banged on a door.
6 I think there is an appropriate remedy for, you know,
7 inappropriate behavior.
8 Q. Have you ever placed horns on your head?
9 A. I reserve the right to answer that question.
10 Q. Mr. Lewis, I just want to make sure you
11 understand all the questions that you have, as you
12 stated, reserved your right to answer.
13 A. Yes.
14 Q. Are there any that you want to go back at this
15 point and answer so that we don't have to have the judge
16 involved?
17 A. I would like to say that I would like a copy
18 of the transcript.
19 Q. I will provide you a copy of the transcript
20 when it's available.
21 A. I would like to know each individual's name
22 who was present here today.
23 Q. I believe you have heard everyone's name who
24 is present today. Is there someone right now that you

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1 female staff at the Delaware Psychiatric Center.
2 How would you describe your
3 relationships with the female staff there?
4 A. I reserve the right to answer that question.
5 Q. Did you ever discuss sexually inappropriate
6 matters with female staff at the Delaware Psychiatric
7 Center?
8 A. No.
9 Q. Let me go back to room 71, the room where you
10 were housed.
11 Were you housed in that room the entire
12 time you were at DPC?
13 A. No.
14 Q. How many other rooms were you housed in,
15 approximately?
16 A. One room prior to that particular room I was
17 assigned to.
18 Q. While you were in one of the two rooms where
19 you were housed at DPC, did you ever bang on the door?
20 A. No.
21 Q. You never banged on the door at DPC? Did you
22 ever hear any other patient bang on a door at DPC?
23 A. Yes.
24 Q. Would you consider a patient banging on the

1 don't believe you know who they are and what their role
2 was?
3 A. Well, I don't specifically -- I need to maybe
4 write -- I don't have a pen to write the names down. The
5 names can be provided to me is my further point.
6 Q. That will be part of the transcript. Remember
7 when I started off --
8 A. Everybody stated their name.
9 Q. I went through -- we didn't state the name of
10 the correctional officer who is sitting in the room, but,
11 obviously, he is not involved in the deposition, he is
12 just here because the deposition is taking place at DCC.
13 A. Okay.
14 Q. I don't believe we have to have his name --
15 A. No. He needs not to be involved.
16 Q. But otherwise, everyone's name was listed so
17 that you will see that when you get a copy of the
18 transcript.
19 A. Okay.
20 Q. We will provide that to you as soon as, you
21 know --
22 A. You possibly can.
23 Q. I can't make a promise as to when that will
24 happen, but I certainly will provide it to you.

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24 (Pages 90 to 93)

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1 A. Do you know when Dr. Foster will answer her --
2 my discovery requests?

3 Q. That's not something I -- I don't have --

4 A. You reserve the right to answer the question?

5 Q. No. I am not reserving the right to answer,
6 Mr. Lewis. I am not involved in that. That's not within
7 my power.

8 One last thing I just want to make you
9 aware of before -- so if you decide you want to answer
10 some of these before I finish today, have you heard of
11 something called the Prison Litigation Reform Act?

12 A. Yes, I have.

13 Q. Are you aware of a portion of the PLRA that
14 says that if you file a lawsuit against someone and you
15 don't have the factual basis for doing it, that, among
16 other sanctions, you can lose your good time?

17 A. If I don't have a what behind it?

18 Q. A factual basis for the allegations.

19 A. I am aware of it now since you brought it to
20 my attention.

21 Q. Those are all the questions that I have of
22 you. And, Mr. Lewis, obviously, since you --

23 A. You won't be the one who determine if I had a
24 factual basis?

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1 Q. No. I will not be the one who makes that
2 final determination. I will be making a proffer, but no,
3 the judge makes that determination.

4 A. It's more than genuine material grounds enough
5 -- trial grounds for trial here. I guess you and I both
6 know that.

7 Q. Mr. Lewis, you understand just because --

8 A. So that right there is irrelevant, in my eyes,
9 anyway.

10 Q. Can we still -- we have played well with the
11 ground rules and not talked over each other, so please
12 just, if we can continue that because it's gone very
13 smoothly that way. You understand that even though I am
14 finishing the questions that I am going to ask of you
15 today, because there are questions that you have refused
16 to answer at this time, that we may end up having to have
17 another deposition where I ask you more questions.

18 A. I am all right, you know, per a court order,
19 you know, I will adhere to any court order that the
20 Honorable Judge Gregory M. Sleet, you know, issues in
21 regards to questions that I didn't -- that I wasn't
22 forthcoming with, I have no problem with answering those
23 questions per court order.

24 Q. Fair enough. Those are all the questions I

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1 have of you today, Mr. Lewis.

2 A. I also want to say, a lot of the questions

3 that weren't asked, I feel as though, you know, through

4 the -- the situations regarding the defendants' behaviors

5 or their accountability or their -- their actions could

6 possibly be revealed through pretrial discovery, you

7 know, procedures, you know. So, but, for the most part,

8 that's why I retain the right, you know, just for the

9 record, I retained the right to answer those questions

10 because it may become -- it may become evident, through

11 some kind of -- through some form of evidence that is

12 presented later on specifically more so because

13 Dr. Foster wasn't forthcoming with her -- with her

14 discovery for the discovery request that I present

15 towards her. So, it's like we are in limbo at this point

16 in regards to the defendants that you represent, so I

17 can't really answer the questions because she may have --

18 she may have evidence that contradicts that may have been

19 something -- that may have been something done

20 strategically, so to vindicate those individuals, her not

21 answering at this point, you know what I am saying, to

22 have the deposition, and then I vindicate them at this

23 point, you know, and then come to find out they are the

24 individuals who were, indeed, involved to have documented

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1 or who have drawn the inference that may have been
2 involved in incidents that have annuity in the complaint.

3 So, for the most part, that's why I

4 reserved the right, you know, for those foregoing reasons

5 because there is still procedures to be had in regards to

6 finding more in depth, you know, in the search for truth

7 in this matter, more fact-finding process that need to

8 be, you know, need to be forthcoming so we can find out,

9 you know, more about what happened.

10 It may be an issue for trial. It may

11 only come out at trial. You know, it may be where we are

12 at trial and that be the only way that, you know, we can

13 find out if they were actually present and involved with,

14 you know, the claims that I, you know, present in my

15 complaint.

16 With that being said, I am -- I am

17 finished.

18 MR. SMITH: At this point, I am going to

19 turn it over to -- if you are ready.

20 BY MR. HARTNETT:

21 Q. Mr. Lewis, once again, my name is Ron Hartnett

22 and I am here on behalf of Dr. Foster. And it's my

23 understanding, from your objection at the beginning of

24 this deposition, that you believe that my presence here

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25 (Pages 94 to 97)

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1 today is objectionable, and, in addition, my asking you
2 any questions at this deposition, you would object to any
3 questions and would not answer, is that correct?

4 A. For the fact that you -- Dr. Foster, or
5 whoever represents Dr. Foster, has failed to present or
6 submit a motion to depose me, yes.

7 Q. So, in essence, just so I understand and so
8 the record is clear, due to the fact that Dr. Foster and
9 her representatives have not filed a motion with the
10 Court to request a deposition of you, you, as we sit here
11 today, on December 18, 2006, are going to refuse to
12 answer any questions from a representative of Dr. Foster?

13 A. I wouldn't say "refuse." I am going to
14 reserve the right on every question that you present to
15 me.

16 Q. Are you capable of receiving mail here at the
17 Department of Corrections?

18 A. Correct.

19 Q. And are you aware of the address that someone
20 would send mail to you here at the Department of
21 Corrections?

22 A. Yes.

23 Q. And would it be to indicate your name and then
24 your SBI number and then the address for the Department

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1 of Corrections here in Smyrna?

2 A. What did you say? Repeat that.

3 Q. If someone were sending you mail of any type,
4 would they put your name and then what is referred to as
5 an SBI number?

6 A. Then the address for the correctional
7 facility, and I would receive it.

8 Q. Yes.

9 A. Yes.

10 Q. And is your SBI No. 506622?

11 A. Correct.

12 Q. And is the address here at the Delaware
13 Correctional Center here in Smyrna 1181 Paddock Road?

14 A. Yes.

15 Q. And were you housed here at the Department of
16 Corrections in Smyrna on September 26th of 2006?

17 A. Yes, I believe so.

18 Q. Do you recall what date you came to the
19 Department of Corrections here in Smyrna?

20 A. Yes.

21 Q. And what date was that, sir?

22 A. April 7th, 2005.

23 Q. And is it fair to say that you have been here
24 at the Smyrna Correctional Center from that time until

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1 the date that we are here today, December 18 of 2006?

2 A. Correct. What is this in regards to? Why are
3 you questioning me?

4 Q. Well, sir, I have a copy of the notice of
5 documents that were served on you as well as Mr. Smith,
6 the Deputy Attorney General in this case, that was served
7 on September 26th of 2006, which are stamped --

8 A. Yeah, I received that.

9 Q. -- progress notes.

10 A. Mm-hmm.

11 Q. So, is it your position today that there is
12 additional material that should be presented on behalf of
13 Dr. Foster in regards to discovery?

14 A. Yes. Discovery No. 2, discovery No. 3,
15 discovery No. 4, discovery No. 5, discovery No. 6,
16 discovery No. 7, discovery No. 8 and 9, which I have just
17 recently filed with the Court, but, you know, if it's not
18 on the record, I wouldn't, you know, I wouldn't add that,
19 but yes, those -- those -- those preceding six
20 discoveries, I have not received any response whatsoever
21 from the representatives or Dr. Foster.

22 Q. And are those interrogatories or are they
23 requests for production of documents?

24 A. It's interrogatories, request for discoveries,

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1 and what else do they call it? Yes, along those lines.

2 All of them is not interrogatories, but they were
3 depicted as being all of interrogatories, which was
4 incorrect. And they quoted a statute in point to me
5 being able to only request 50 interrogatories, 26 -- --
6 pardon me. Let me refer to this. I didn't bring it.

7 It quoted, in the motion, I believe it
8 was protective order, it quoted a statute 26 B -- 26.1B
9 or C, something of that nature, and I couldn't find -- I
10 couldn't find where it says I was only entitled to
11 request 50 interrogatories. So I seen that as being a
12 frivolous motion and it was -- it was meritless in
13 regards to, you know, towards the reasons to not respond
14 to the discoveries that I requested. So I don't see why
15 I should be forthcoming in responding to a representative
16 of Dr. Foster's when a lot of the questions in regards,
17 in retrospect and points -- it's like I will be answering
18 the questions that I asked her, I will be answering the
19 very questions I presented to her, you know, during the
20 deposition.

21 So it seems to be, you know, it seems to
22 be that Dr. Foster needs to adhere to the judge's court
23 order because I put in the motion to depose witnesses and
24 they put in a protective order and I put in a motion to

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26 (Pages 98 to 101)

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1 -- for discovery and it wasn't adhered to and the judge
2 had already put a motion for -- for the defendant to
3 respond to discovery because it was inappropriate for me
4 to be transferred to the Federal Court Building, you
5 know, pending -- and they stated it was my -- my prison
6 status, you know, it was my indigent status, and all
7 these things were cited as grounds to support the fact
8 that, you know, everything should be, you know, all
9 discovery should be adhered to through -- like through
10 the mail, but Dr. Foster hasn't been adhering to any type
11 of discovery requests I presented to her and is hindering
12 the process.

13 Q. Have you filed a motion with the Court in
14 regards to the outstanding discovery that you intend has
15 not been responded to?

16 A. I filed -- what was it called -- I filed a
17 response -- I filed a response. I didn't file a default,
18 you know, a motion for default or a declaratory judgment
19 or nothing like that at this particular point, none of
20 that has been filed, but that surely will be forthcoming.

21 Q. And this response, do you know what it was in
22 response to?

23 A. It was in response to a motion for protective
24 order.

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1 Q. And are you aware of --

2 A. Filed by Dr. Foster, I should say.

3 Q. And are you aware if -- whether the Court has
4 taken any action in regards to the request for protective
5 order and your response to that?

6 A. I said I wasn't going to talk to you but I am
7 talking to you anyway. I am going to say this much: I
8 am not aware of a response.

9 Q. So you are not aware of any Court order that's
10 been filed as we sit here today?

11 A. If you have a Court order -- if you have any
12 in your possession, I would like you to make it available
13 to me at this point, but no, at this point, I am not
14 aware of any response by the Court issuing any response
15 to her motion to depose -- I mean her motion for
16 protective order or my response to her motion for
17 protective order.

18 Q. Would you be able to describe for me what
19 Dr. Foster looks like?

20 A. I reserve the right to answer that question at
21 this point.

22 Q. Are there any specific requirements in regards
23 to your diet that you mentioned previously which deals
24 with both your physical well-being and your observe

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1 answer of your religious beliefs? Are there any specific
2 parameters of a diet --

3 A. For the record, identify yourself.

4 Q. Once again, Mr. Lewis, my name is Ron
5 Hartnett. I am an attorney who represents Dr. Foster and
6 was asked to come here today on behalf of the attorney of
7 record, who is Carol Antoff, who is another attorney in
8 my office. I was asked by her to come here to attend
9 this deposition on behalf of Dr. Foster.

10 A. I retain the right to answer your questions
11 about the diet.

12 Q. The injuries that you have sustained in the
13 June 14, 2004, incident, which involved the M&M candies
14 did you receive any medical treatment as a result of
15 those injuries?

16 A. I retain the right to answer that question.

17 Q. What is your understanding of the medications
18 that were included in the injections that you received,
19 or let me phrase it differently.

20 What made up the medications that were
21 in the injection that you indicate you received on
22 several occasions in your complaint?

23 A. I retain the right to answer that question.

24 Q. Is it fair to say, Mr. Lewis, that, at this

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1 point, any question that I am going to ask you, you are
2 going to retain the right and not answer at this time?

3 A. I retain to the right to answer that question.

4 Q. Well, Mr. Lewis, I am asking you, as we sit
5 here today, is it fair to say that any other question
6 that I am going to ask specifically regarding this
7 complaint, you are going to use the terminology, "I
8 reserve the right to answer that question," and not
9 provide any information in regards to the questions that
10 are asked?

11 A. That's the question?

12 Q. Yes, sir.

13 A. I retain the right to answer the question.

14 Q. And I guess I will give you the same
15 instruction that Mr. Smith gave that you understand that
16 the purpose for this deposition is to develop some of the
17 factual underpinnings of the complaint that you have
18 filed against both Dr. Foster and personnel at DPC; is
19 that correct?

20 A. For the defendant or for the plaintiff?

21 Q. For everyone involved in this matter.

22 A. I disagree, but I retain the right to answer
23 that question.

24 Q. And I guess my question is: Why would you

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27 (Pages 102 to 105)

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<p>1 disagree with the previous question that I posed to you?</p> <p>2 A. I retain the right to answer that question.</p> <p>3 Q. Would you agree with me, at this point, that</p> <p>4 this case is presently in the discovery phase, meaning</p> <p>5 that this is the time for fleshing out the issues and the</p> <p>6 factual circumstances that surround the incidents that</p> <p>7 are identified in your complaint?</p> <p>8 A. Correct.</p> <p>9 Q. And would you also agree that the calling of</p> <p>10 this deposition by Mr. Smith was not intended due to your</p> <p>11 inability to testify at trial, it was more a discovery</p> <p>12 tool that was being used by Mr. Smith to garner</p> <p>13 additional information from you; is that correct? Is</p> <p>14 that your understanding of the purpose of this deposition</p> <p>15 today?</p> <p>16 A. My understanding of the deposition is to</p> <p>17 answer questions that the defendant, you know, wants to</p> <p>18 get more understanding of the, to flesh out, through the</p> <p>19 fact-finding process, to understand, you know, what my</p> <p>20 perspective, in order to determine, you know, what's</p> <p>21 factual and what's not factual in regards to the</p> <p>22 complaints claimed that I have documented or noted in my</p> <p>23 complaint.</p> <p>24 Q. And, once again, just so we are clear, in</p>	<p>1 (I HAVE READ THE FOREGOING DEPOSITION,</p> <p>2 AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.)</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7 JIMMIE LEWIS</p> <p>8 -----</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
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<p>1 light of the fact that either Dr. Foster, herself, or a</p> <p>2 representative of Dr. Foster did not file a motion with</p> <p>3 the Court as Mr. Smith did, then it's your belief that a</p> <p>4 representative of Dr. Foster is not entitled to ask</p> <p>5 questions at this time at this deposition today?</p> <p>6 A. It's not a belief. I was actually told that I</p> <p>7 was not supposed to have any contact -- actually, it's a</p> <p>8 court order, and I believe you might be in violation of</p> <p>9 that court order for the simple fact that Judge Sleet put</p> <p>10 an order for me to not have any contact with the</p> <p>11 defendants without, you know, without notification from</p> <p>12 the Court.</p> <p>13 MR. HARTNETT: In light of Mr. Lewis'</p> <p>14 insistence on not answering anymore questions, I don't</p> <p>15 have any further questions. Thank you, sir.</p> <p>16 THE WITNESS: You are welcome.</p> <p>17 MR. SMITH: This concludes, then, the</p> <p>18 deposition.</p> <p>19 (The deposition was concluded at 12:25</p> <p>20 p.m.)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>1 INDEX TO TESTIMONY</p> <p>2</p> <p>3 JIMMIE LEWIS PAGE</p> <p>4 Examination by Mr. Smith 2</p> <p>5 Examination by Mr. Hartnett 93</p> <p>6 -----</p> <p>7 INDEX TO EXHIBITS</p> <p>8 PAGE</p> <p>9 (There were no exhibits marked for identification.)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

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1 CERTIFICATE

2 STATE OF DELAWARE:

3 NEW CASTLE COUNTY:

4 I, Renee A. Meyers, a Registered Professional
5 Reporter and Notary Public, within and for the County and
6 State aforesaid, do hereby certify that the foregoing
7 deposition of JIMMIE LEWIS, was taken before me, pursuant
8 to notice, at the time and place indicated; that said
9 deponent was by me duly sworn to tell the truth, the
10 whole truth, and nothing but the truth; that the
11 testimony of said deponent was correctly recorded in
12 machine shorthand by me and thereafter transcribed under
13 my supervision with computer-aided transcription; that
14 the deposition is a true record of the testimony given by
15 the witness; and that I am neither of counsel nor kin to
16 any party in said action, nor interested in the outcome
17 thereof.

18 WITNESS my hand this 25th day of December A.D.
19 2006.

20
21
22 RENE A. MEYERS
23 REGISTERED PROFESSIONAL REPORTER
24 CERTIFICATION NO. 106-RPR
(Expires January 31, 2008)

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